

AMENDMENT NO. _____ Calendar No. _____

Purpose: Requiring Enforcement, Security and safety while
Upgrading Lawful Trade and travel Simultaneously
(RESULTS).

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for
other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. CORNYN

Viz:

1 Strike section 2 and all that follows through the end
2 of title I inserting the following:

3 **SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS.**

4 Congress makes the following findings:

5 (1) Every sovereign nation has an unconditional
6 right and duty to secure its territory and people,
7 which right depends on control of its international
8 borders. The sovereign people and several states of
9 the United States have delegated these sovereign
10 functions to the Federal Government (United States
11 Constitution, article I, section 8, clause 4). The lib-

1 erty and prosperity of the people depends on the
2 execution of this duty.

3 (2) The passage of this Act recognizes that the
4 Federal Government must secure the sovereignty of
5 the United States of America and establish a coher-
6 ent and just system for integrating those who seek
7 to join American society.

8 (3) The United States has failed to control its
9 Southern border. The porousness of that border has
10 contributed to the proliferation of the narcotics
11 trade and its attendant violent crime. The traf-
12 ficking and smuggling of persons across the border
13 is an ongoing human rights scandal.

14 (4) We have always welcomed immigrants to
15 the United States and will continue to do so, but in
16 order to qualify for the honor and privilege of even-
17 tual citizenship, our laws must be followed. The
18 world depends on America to be strong economically,
19 militarily, and ethically. The establishment of a sta-
20 ble, just, and efficient immigration system only sup-
21 ports those goals. As a Nation, we have the right
22 and responsibility to make our borders safe, to es-
23 tablish clear and just rules for seeking citizenship, to
24 control the flow of legal immigration, and to elimi-

1 nate illegal immigration, which in some cases has be-
2 come a threat to our national security.

3 (5) Throughout our long history, many lawful
4 immigrants have assimilated into American society
5 and contributed to our strength and prosperity. Our
6 immigration policy strives to welcome those who
7 share the values of the United States Constitution
8 and seek to contribute to our nation's greatness. But
9 no person has a right to enter the United States un-
10 less by its expression permission and in accordance
11 with the procedures established by law.

12 (6) This Act is premised on the right and need
13 of the United States to achieve these goals, and to
14 protect its borders and maintain its sovereignty.

15 **SEC. 3. EFFECTIVE DATE TRIGGERS.**

16 (a) DEFINITIONS.—In this section and sections 4
17 through 8 of this Act:

18 (1) COMMISSION.—The term “Commission”
19 means the Southern Border Security Commission es-
20 tablished pursuant to section 4.

21 (2) COMPREHENSIVE SOUTHERN BORDER SECU-
22 RITY STRATEGY.—The term “Comprehensive South-
23 ern Border Security Strategy” means the strategy
24 established by the Secretary pursuant to section 5(a)

1 to achieve and maintain operational control and full
2 situational awareness of the Southern border.

3 (3) CONSEQUENCE DELIVERY SYSTEM.—The
4 term “Consequence Delivery System” means the se-
5 ries of consequences applied to persons illegally en-
6 tering the United States by U.S. Border Patrol to
7 prevent illegal border crossing recidivism.

8 (4) EFFECTIVENESS RATE.—The term “effec-
9 tiveness rate” means a metric, informed by situa-
10 tional awareness, that measures the percentage cal-
11 culated by dividing—

12 (A) the number of illegal border crossers
13 who are apprehended or turned back during a
14 fiscal year (excluding those who are believed to
15 have turned back for the purpose of engaging
16 in criminal activity), by

17 (B) the total number of illegal entries in
18 the sector during such fiscal year.

19 (5) FULL SITUATIONAL AWARENESS.—The
20 term “full situational awareness” means situational
21 awareness of the entire Southern border, including
22 the functioning and operational capability to conduct
23 continuous and integrated manned or unmanned,
24 monitoring, sensing, or surveillance of 100 percent

1 of Southern border mileage or the immediate vicinity
2 of the Southern border .

3 (6) MAJOR VIOLATOR.—The term “major viola-
4 tor” means a person or entity that has engaged in
5 serious criminal activities at any port of entry along
6 the Southern border, including possession of nar-
7 cotics, smuggling of prohibited products, human
8 smuggling, human trafficking, weapons possession,
9 use of fraudulent United States documents, or other
10 offenses serious enough to result in arrest.

11 (7) NORTHERN BORDER.—The term “Northern
12 border” means the international border between the
13 United States and Canada.

14 (8) OPERATIONAL CONTROL.—The term “oper-
15 ational control” means that, within each and every
16 sector of the Southern border, a condition exists in
17 which there is an effectiveness rate, informed by sit-
18 uational awareness, of not lower than 90 percent.

19 (9) SITUATIONAL AWARENESS.—The term “sit-
20 uational awareness” means knowledge and an under-
21 standing of current illicit cross-border activity, in-
22 cluding cross-border threats and trends concerning
23 illicit trafficking and unlawful crossings along the
24 international borders of the United States and in the

1 maritime environment, and the ability to predict fu-
2 ture shifts in such threats and trends.

3 (10) SOUTHERN BORDER.—The term “South-
4 ern border” means the international border between
5 the United States and Mexico.

6 (b) BORDER SECURITY GOALS.—The border security
7 goals of the Department shall be—

8 (1) to achieve and maintain operational control
9 of the Southern border within 5 years of the date of
10 the enactment of this Act;

11 (2) to achieve and maintain full situational
12 awareness of the Southern border within 5 years of
13 the date of the enactment of this Act;

14 (3) to fully implement a biometric entry and
15 exit system at all land, air, and sea ports of entry
16 in accordance with the requirements set forth in sec-
17 tion 7208 of the Intelligence Reform and Terrorism
18 Prevention Act of 2004 (8 U.S.C. 1365b) within 5
19 years of the date of the enactment of this Act; and

20 (4) to implement a mandatory employment
21 verification system required by section 274A of the
22 Immigration and Nationality Act (8 U.S.C. 1324a),
23 as amended by section 3101 of this Act, within 5
24 years of the date of the enactment of this Act.

25 (c) TRIGGERS.—

1 (1) PROCESSING OF APPLICATIONS FOR REG-
2 ISTERED PROVISIONAL IMMIGRANT STATUS.—Not
3 earlier than the date upon which the Secretary has
4 submitted to Congress the Notice of Commencement
5 of implementation of the Comprehensive Southern
6 Border Security Strategy required by section 5 of
7 this Act, the Secretary may commence processing
8 applications for registered provisional immigrant sta-
9 tus pursuant to section 245B of the Immigration
10 and Nationality Act, as added by section 2111 of
11 this Act.

12 (2) ADJUSTMENT OF STATUS OF REGISTERED
13 PROVISIONAL IMMIGRANTS.—The Secretary may not
14 adjust the status of aliens who have been granted
15 registered provisional immigrant status, except for
16 aliens granted blue card status under section 2211
17 of this Act or described in section 245D(b) of the
18 Immigration and Nationality Act, as added by sec-
19 tion 2103 of this Act, until—

20 (A) not earlier than 9 years and 6 months
21 after the date of the enactment of this Act, the
22 Secretary and the Commissioner of United
23 States Customs and Border Protection jointly
24 submit to the President and Congress a written
25 certification, including a comprehensive report

1 detailing the data, methodologies, and reasoning
2 justifying such certification, that certifies,
3 under penalty of perjury, that—

4 (i) the Secretary has achieved and
5 maintained full situational awareness of
6 the Southern border for the 12-month pe-
7 riod immediately preceding such certifi-
8 cation;

9 (ii) the Secretary has achieved and
10 maintained operational control of the
11 Southern border for the 12-month period
12 immediately preceding such certification;

13 (iii) the Secretary has implemented
14 the mandatory employment verification
15 system required by section 274A of the
16 Immigration and Nationality Act (8 U.S.C.
17 1324a), as amended by section 3101 of
18 this Act, for use by all employers to pre-
19 vent unauthorized workers from obtaining
20 employment in the United States; and

21 (iv) the Secretary has implemented a
22 biometric entry and exit data system at all
23 airports and seaports at which U.S. Cus-
24 toms and Border Protection personnel
25 were deployed on the date of the enact-

1 ment of this Act, and in accordance with
2 the requirements set forth in section 7208
3 of the Intelligence Reform and Terrorism
4 Prevention Act of 2004 (8 U.S.C. 1365b);
5 and

6 (B) not earlier than 60 days after the sub-
7 mission of a certification under paragraph (A),
8 the Inspector General of the Department of
9 Homeland Security, who has been appointed by
10 the President, by and with the advice and con-
11 sent of the Senate, in consultation with the
12 Comptroller General of the United States, re-
13 views the reliability of the data, methodologies,
14 and conclusions of a certification under sub-
15 paragraph (A) and submits to the President
16 and Congress a written certification and report
17 attesting that each of the requirements of
18 clauses (i), (ii), (iii), and (iv) of subparagraph
19 (A) have been achieved.

20 (d) PROTECTING CONSTITUTIONAL SEPARATION OF
21 POWERS AGAINST ABUSES OF DISCRETION.—

22 (1) EMERGENCY COMPTROLLER GENERAL RE-
23 PORT.—Not later than 30 days after the submission
24 of a certification by the Secretary under subsection
25 (c)(2)(A), the Comptroller General of the United

1 States shall review such certification and provide
2 Congress with a written report reviewing the reli-
3 ability of such certification, and expressing the con-
4 clusion of the Comptroller General as to whether or
5 not the requirements of clauses (i), (ii), (iii), and
6 (iv) of subsection (c)(2)(A) have been achieved.

7 (2) SENSE OF CONGRESS.—It is the sense of
8 Congress that the United States Senate should use
9 its powers of advice and consent under section
10 102(a)(1) of the Homeland Security Act of 2002 (6
11 U.S.C. 112(a)(1)) and section 3(a) of the Inspector
12 General Act of 1978 (5 U.S.C. App.) to ensure that
13 the triggers contained in subsection (c) have been
14 fully achieved.

15 **SEC. 4. SOUTHERN BORDER SECURITY COMMISSION.**

16 (a) ESTABLISHMENT.—Not later than 60 days after
17 the date of the enactment of this Act, there shall be estab-
18 lished a commission to be known as the “Southern Border
19 Security Commission” (in this section referred to as the
20 “Commission”).

21 (b) COMPOSITION.—

22 (1) IN GENERAL.—The Commission shall be
23 composed of up to 8 members as follows:

24 (A) The Governor of the State of Arizona,
25 or the designee of the Governor.

1 (B) The Governor of the State of Cali-
2 fornia, or the designee of the Governor.

3 (C) The Governor of the State of New
4 Mexico, or the designee of the Governor.

5 (D) The Governor of the State of Texas,
6 or the designee of the Governor.

7 (E) One designee of the Governor of the
8 State of Arizona who is not such official or
9 such official's designee under subparagraph
10 (A).

11 (F) One designee of the Governor of the
12 State of California who is not such official or
13 such official's designee under subparagraph
14 (B).

15 (G) One designee of the Governor of the
16 State of New Mexico who is not such official or
17 such official's designee under subparagraph (C).

18 (H) One designee of the Governor of the
19 State of Texas who is not such official or such
20 official's designee under subparagraph (D).

21 (2) CHAIR.—At the first meeting of the Com-
22 mission, a majority of the members of the Commis-
23 sion present and voting shall elect the Chair of the
24 Commission.

1 (3) RULES.—The Commission shall establish
2 the rules and procedures of the Commission which
3 shall require the approval of a majority of members
4 of the Commission.

5 (4) MEETINGS.—Members of the Commission
6 shall meet at the times and places of their choosing.

7 (5) NATURE OF REQUIREMENTS.—The tenure
8 and terms of participation as a member of the Com-
9 mission of any Governor or designee of a Governor
10 under this subsection shall be subject to the sole dis-
11 cretion of such Governor.

12 (c) CONSULTATION; FEDERALISM PROTECTIONS.—

13 (1) CONSULTATION.—The Secretary shall regu-
14 larly consult with members of the Commission as to
15 the substance and contents of any strategy, plan, or
16 report required by section 5 of this Act.

17 (2) FEDERALISM PROTECTIONS.—The Sec-
18 retary may make no rules, regulations, or conditions
19 regarding the operation of the Commission, or the
20 terms of service of members of the Commission.

21 (d) TRANSITION.—The Secretary shall no longer be
22 required to consult with the Commission under subsection
23 (d)(1) on the date which is the earlier of—

24 (1) 30 days after the date on which a certifi-
25 cation is made by the Secretary and Comptroller

1 General of the United States under section
2 3(c)(2)(A) of this Act; or

3 (2) 10 years after the date of the enactment of
4 this Act.

5 **SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY**
6 **STRATEGY.**

7 (a) COMPREHENSIVE SOUTHERN BORDER SECURITY
8 STRATEGY.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall submit a strategy, to be known as the
12 “Comprehensive Southern Border Security Strat-
13 egy” (in this section referred to as the “Strategy”),
14 for achieving and maintaining operational control
15 and full situational awareness of the Southern bor-
16 der, to—

17 (A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 (B) the Committee on Homeland Security
20 of the House of Representatives;

21 (C) the Committee on the Judiciary of the
22 Senate;

23 (D) the Committee on the Judiciary of the
24 House;

1 (E) the Committee on Appropriations of
2 the Senate;

3 (F) the Committee on Appropriations of
4 the House of Representatives; and

5 (G) the Comptroller General of the United
6 States.

7 (2) ELEMENTS.—The Strategy shall include, at
8 a minimum, a consideration of the following:

9 (A) The state of operational control and
10 situational awareness of the Southern border,
11 including a sector-by-sector analysis.

12 (B) An assessment of principal Southern
13 border security threats.

14 (C) Efforts to analyze and disseminate
15 Southern border security and Southern border
16 threat information between Department border
17 security components.

18 (D) Efforts to increase situational aware-
19 ness of the Southern border in accordance with
20 privacy, civil liberties, and civil rights protec-
21 tions, including—

22 (i) surveillance capabilities developed
23 or utilized by the Department of Defense,
24 including any technology determined to be
25 excess by the Department of Defense; and

1 (ii) use of manned aircraft and un-
2 manned aerial systems, including the cam-
3 era and sensor technology deployed on
4 such assets.

5 (E) A Southern border fencing strategy
6 that identifies where fencing, including double-
7 layer fencing, infrastructure, and technology
8 should be deployed along the Southern border.

9 (F) A comprehensive Southern border se-
10 curity technology plan for detection technology
11 capabilities, including a documented justifica-
12 tion and rationale for the technologies selected,
13 deployment locations, fixed versus mobile as-
14 sets, and a timetable for procurement and de-
15 ployment.

16 (G) Technology required to both enhance
17 security and facilitate trade at Southern border
18 ports of entry, including nonintrusive detection
19 equipment, radiation detection equipment, bio-
20 metric technology, and other sensors and tech-
21 nology that the Secretary determines necessary.

22 (H) Operational coordination of Depart-
23 ment Southern border security components, in-
24 cluding efforts to ensure that a new border se-
25 curity technology can be operationally inte-

1 grated with existing technologies in use by the
2 Department.

3 (I) Cooperative agreements other Federal
4 law enforcement agencies and State, local, trib-
5 al, and territorial law enforcement agencies that
6 have jurisdiction on the Southern border, or in
7 the maritime environment.

8 (J) Information received from consultation
9 with other Federal law enforcement agencies
10 and State, local, tribal, and territorial law en-
11 forcement agencies that have jurisdiction on the
12 Southern border, or the maritime environment,
13 and from Southern border community stake-
14 holders, including representatives from border
15 agricultural and ranching organizations and
16 representatives from business organizations
17 within close proximity of the Southern border.

18 (K) Agreements with foreign governments
19 that support the border security efforts of the
20 United States.

21 (L) Efforts to detect and prevent terrorists
22 and instruments of terrorism from entering the
23 United States.

24 (M) Staffing requirements for all Southern
25 border security functions.

1 (N) Metrics required by section 6 of this
2 Act.

3 (O) An assessment of existing efforts and
4 technologies used for border security and the ef-
5 fect of the use of such efforts and technologies
6 on civil rights, private property rights, privacy
7 rights, and civil liberties.

8 (P) Resources and other measures that are
9 necessary to achieve a 50 percent reduction in
10 the average wait times of commercial and pas-
11 senger vehicles at international land ports of
12 entry along the Southern border and the North-
13 ern border.

14 (Q) A prioritized list of research and devel-
15 opment objectives to enhance the security of the
16 Southern border.

17 (R) A strategy to reduce passenger wait
18 times and cargo screening times at airports
19 that serve as ports of entry.

20 (3) IMPLEMENTATION PLAN.—Not later than
21 60 days after the submission of the Strategy under
22 paragraph (1), the Secretary shall submit to the
23 committees of Congress specified in paragraph (1)
24 an implementation plan for each of the border secu-

1 rity components of the Department to carry out the
2 Strategy. The plan shall include, at a minimum—

3 (A) a comprehensive border security tech-
4 nology plan for continuous and systematic sur-
5 veillance of the Southern border, including a
6 documented justification and rationale for the
7 technologies selected, deployment locations,
8 fixed versus mobile assets, and a timetable for
9 procurement and deployment;

10 (B) the resources, including personnel, in-
11 frastructure, and technologies that must be de-
12 veloped, procured, and successfully deployed, to
13 achieve and maintain operational control and
14 full situational awareness of the Southern bor-
15 der; and

16 (C) a set of interim goals and supporting
17 milestones necessary for the Department to
18 achieve and maintain operational control and
19 full situational awareness of the Southern bor-
20 der.

21 (4) SEMIANNUAL REPORTS.—

22 (A) IN GENERAL.—After the Strategy is
23 submitted under paragraph (1), the Secretary
24 shall submit to the committees of Congress
25 specified in paragraph (1), not later than May

1 15 and November 15 each year, a report on the
2 status of the implementation of the Strategy by
3 the Department, including a report on the state
4 of operational control of the Southern border
5 and the metrics required by section 6 of this
6 Act.

7 (B) ELEMENTS.—Each report submitted
8 under subparagraph (A) shall include—

9 (i) a detailed description of the steps
10 the Department has taken, or plans to
11 take, to execute the Strategy;

12 (ii) a detailed description of—

13 (I) any impediments identified in
14 the Department's efforts to execute
15 the strategy;

16 (II) the actions the Department
17 has taken, or plans to take, to address
18 such impediments; and

19 (III) any additional measures de-
20 veloped by the Department to meas-
21 ure the state of security along the
22 Southern border;

23 (iii) for each U.S. Border Patrol sec-
24 tor along the Southern border—

1 (I) the effectiveness rate for such
2 sector;

3 (II) the number of recidivist ap-
4 prehensions; and

5 (III) the recidivism rate for all
6 unique subjects that received a crimi-
7 nal consequence through the Con-
8 sequence Delivery System process;

9 (iv) the aggregate effectiveness rate of
10 all U.S. Border Patrol sectors along the
11 Southern border;

12 (v) a resource allocation model for
13 current and future year staffing require-
14 ments that includes optimal staffing levels
15 at Southern border land, air, and sea ports
16 of entry, and an explanation of U.S. Cus-
17 toms and Border Protection methodology
18 for aligning staffing levels and workload to
19 threats and vulnerabilities across all mis-
20 sion areas;

21 (vi) detailed information on the level
22 of manpower available at all Southern bor-
23 der land, air, and sea ports of entry and
24 between Southern border ports of entry,
25 including the number of canine and agri-

1 cultural officers assigned to each such port
2 of entry;

3 (vii) detailed information that de-
4 scribes the difference between the staffing
5 the model suggests and the actual staffing
6 at each Southern border port of entry and
7 between the ports of entry; and

8 (viii) monthly per passenger wait
9 times, including data on peaks, for cross-
10 ing the Southern border and the Northern
11 border, per passenger processing wait
12 times at air and sea ports of entry, and the
13 staffing levels at all ports of entry.

14 **SEC. 6. BORDER SECURITY METRICS.**

15 (a) METRICS FOR SECURING THE SOUTHERN BOR-
16 DER BETWEEN PORTS OF ENTRY.—Not later than 90
17 days after the date of the enactment of this Act, the Sec-
18 retary shall implement metrics to measure the effective-
19 ness of security between ports of entry along the Southern
20 border. The metrics shall address, at a minimum, the fol-
21 lowing:

- 22 (1) The effectiveness rate for the areas covered.
23 (2) Estimates, using alternate methodologies,
24 including recidivism and survey data, of total at-
25 tempted illegal border crossings, the rate of appre-

1 hension of attempted illegal border crossings, and
2 the inflow into the United States of illegal border
3 crossers who evade apprehension.

4 (3) Estimates of the impacts of the Con-
5 sequence Delivery System of U.S. Border Patrol on
6 the rate of recidivism of illegal border crossers.

7 (4) The current level of situational awareness.

8 (5) Amount of narcotics seized between ports of
9 entry.

10 (6) A narcotics interdiction rate which meas-
11 ures the amount of narcotics seized against the total
12 estimated amount of narcotics U.S. Border Patrol
13 fails to seize.

14 (b) METRICS FOR SECURING THE BORDER AT PORTS
15 OF ENTRY.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of the enactment of this Act, the Secretary
18 shall implement metrics to measure the effectiveness
19 of security at Southern border ports of entry. The
20 metrics shall address, at a minimum, the following:

21 (A) The effectiveness rate for such ports of
22 entry.

23 (B) Estimates, using alternative meth-
24 odologies, including recidivism data, survey
25 data, known-flow data, and randomized sec-

1 ondary screening data, of total attempted inad-
2 missible border crossers, the rate of apprehen-
3 sion of attempted inadmissible border crossers,
4 and the inflow into the United States of inad-
5 missible border crossers who evade apprehen-
6 sion.

7 (C) A narcotics interdiction rate which
8 measures the amount of narcotics seized
9 against the total estimated amount of narcotics
10 U.S. Customs and Border Protection fails to
11 seize.

12 (D) The number of infractions related to
13 personnel and cargo committed by major viola-
14 tors who are apprehended by U.S. Customs and
15 Border Protection at such ports of entry, and
16 the estimated number of such infractions com-
17 mitted by major violators who are not so appre-
18 hended.

19 (E) The effect of the border security appa-
20 ratus on crossing times.

21 (2) COVERT TESTING.—The Inspector General
22 of the Department of Homeland Security shall carry
23 out covert testing at ports of entry along the South-
24 ern border and submit to the Secretary and the com-
25 mittees of Congress specified in section 5(a)(1) of

1 this Act a report that contains the results of such
2 tests. The Secretary shall use such results to assess
3 activities under this subsection.

4 (c) INDEPENDENT ASSESSMENT BY NATIONAL LAB-
5 ORATORY WITHIN DEPARTMENT OF HOMELAND SECU-
6 RITY LABORATORY NETWORK.—The Secretary shall re-
7 quest the head of a national laboratory within the Depart-
8 ment laboratory network with prior expertise in border se-
9 curity to—

10 (1) provide an independent assessment of the
11 metrics implemented in accordance with subsections
12 (a) and (b) to ensure each such metric’s suitability
13 and statistical validity; and

14 (2) make recommendations for other suitable
15 metrics that may be used to measure the effective-
16 ness of border security along the Southern border.

17 (d) EVALUATION BY GOVERNMENT ACCOUNTABILITY
18 OFFICE.—

19 (1) IN GENERAL.—The Secretary shall make
20 available to the Government Accountability Office
21 the data and methodology used to develop the
22 metrics implemented under subsections (a) and (b)
23 and the independent assessment described under
24 subsection (c).

1 (2) REPORT.—Not later than 270 days after re-
2 ceiving the data and methodology described in para-
3 graph (1), the Comptroller General of the United
4 States shall submit to the committees of Congress
5 specified in section 5(a)(1) of this Act a report on
6 the suitability and statistical validity of such data
7 and methodology.

8 (e) GAO REPORT ON BORDER SECURITY DUPLICA-
9 TION.—Not later than 1 year after the date of the enact-
10 ment of this Act, the Comptroller General of the United
11 States shall submit to the committees of Congress speci-
12 fied in section 5(a)(1) of this Act a report addressing
13 areas of overlap in responsibilities within the border secu-
14 rity functions of the Department.

15 **SEC. 7. COMPREHENSIVE IMMIGRATION REFORM TRUST**
16 **FUND.**

17 (a) COMPREHENSIVE IMMIGRATION REFORM TRUST
18 FUND.—

19 (1) ESTABLISHMENT.—There is established in
20 the Treasury a separate account, to be known as the
21 Comprehensive Immigration Reform Trust Fund
22 (referred to in this section as the “Trust Fund”),
23 consisting of—

1 (A) amounts transferred from the general
2 fund of the Treasury under paragraph (2)(A);
3 and

4 (B) proceeds from the fees described in
5 paragraph (2)(B).

6 (2) DEPOSITS.—

7 (A) INITIAL FUNDING.—On the later of
8 the date of the enactment of this Act or Octo-
9 ber 1, 2013, \$8,300,000,000 shall be trans-
10 ferred from the general fund of the Treasury to
11 the Trust Fund.

12 (B) ONGOING FUNDING.—Notwithstanding
13 section 3302 of title 31, United States Code, in
14 addition to the funding described in subpara-
15 graph (A), and subject to paragraphs (3)(B)
16 and (4), the following amounts shall be depos-
17 ited in the Trust Fund:

18 (i) ELECTRONIC TRAVEL AUTHORIZA-
19 TION SYSTEM FEES.—Fees collected under
20 section 217(h)(3)(B)(i)(II) of the Immigra-
21 tion and Nationality Act, as added by sec-
22 tion 1102(c).

23 (ii) REGISTERED PROVISIONAL IMMI-
24 GRANT PENALTIES.—Penalties collected
25 under section 245B(c)(10)(C) of the Immi-

1 gration and Nationality Act, as added by
2 section 2101.

3 (iii) BLUE CARD PENALTY.—Penalties
4 collected under section 2211(b)(9)(C).

5 (iv) FINES FOR ADJUSTMENT FROM
6 BLUE CARD STATUS.—Fines collected
7 under section 245F(a)(5) of the Immigra-
8 tion and Nationality Act, as added by sec-
9 tion 2212(a).

10 (v) PENALTIES FOR FALSE STATE-
11 MENTS IN APPLICATIONS.—Fines collected
12 under section 245F(f) of the Immigration
13 and Nationality Act, as added by section
14 2212(a).

15 (vi) MERIT SYSTEM GREEN CARD
16 FEES.—Fees collected under section
17 203(c)(6) of the Immigration and Nation-
18 ality Act, as amended by section
19 2301(a)(2).

20 (vii) H-1B AND L VISA FEES.—Fees
21 collected under section 281(d) of the Immi-
22 gration and Nationality Act, as added by
23 section 4105.

24 (viii) H-1B OUTPLACEMENT FEE.—
25 Fees collected under section

1 212(n)(1)(F)(ii) of the Immigration and
2 Nationality Act, as amended by section
3 4211(d).

4 (ix) H-1B NONIMMIGRANT DEPEND-
5 ENT EMPLOYER FEES.—Fees collected
6 under section 4233(a)(2).

7 (x) L NONIMMIGRANT DEPENDENT
8 EMPLOYER FEES.—Fees collected under
9 section 4305(a)(2).

10 (xi) J-1 VISA MITIGATION FEES.—
11 Fees collected under section 281(e) of the
12 Immigration and Nationality Act, as added
13 by section 4407.

14 (xii) F-1 VISA FEES.—Fees collected
15 under section 281(f) of the Immigration
16 and Nationality Act, as added by section
17 4408.

18 (xiii) RETIREE VISA FEES.—Fees col-
19 lected under section 214(w)(1)(B) of the
20 Immigration and Nationality Act, as added
21 by section 4504(b).

22 (xiv) VISITOR VISA FEES.—Fees col-
23 lected under section 281(g) of the Immi-
24 gration and Nationality Act, as added by
25 section 4509.

1 (xv) H-2B VISA FEES.—Fees col-
2 lected under section 214(x)(5)(A) of the
3 Immigration and Nationality Act, as added
4 by section 4602(a).

5 (xvi) NONIMMIGRANTS PERFORMING
6 MAINTENANCE ON COMMON CARRIERS.—
7 Fees collected under section 214(z) of the
8 Immigration and Nationality Act, as added
9 by section 4604.

10 (xvii) X-1 VISA FEES.—Fees collected
11 under section 214(s)(6) of the Immigration
12 and Nationality Act, as added by section
13 4801.

14 (xviii) PENALTIES FOR ADJUSTMENT
15 FROM REGISTERED PROVISIONAL IMMI-
16 GRANT STATUS.—Penalties collected under
17 section 245C(c)(5)(B) of the Immigration
18 and Nationality Act, as added by section
19 2102.

20 (C) AUTHORITY TO ADJUST FEES.—As
21 necessary to carry out the purposes of this Act,
22 the Secretary may adjust the amounts of the
23 fees and penalties set out under subparagraph
24 (B), except for the fines and penalties referred

1 to in clauses (ii), (iii), (iv), or (xviii) of such
2 subparagraph.

3 (3) USE OF FUNDS.—

4 (A) INITIAL FUNDING.—Of the amounts
5 transferred to the Trust Fund pursuant to
6 paragraph (2)(A)—

7 (i) \$6,500,000,000 shall be made
8 available to the Secretary for carrying out
9 the Comprehensive Southern Border Secu-
10 rity Strategy, including the Southern bor-
11 der fencing strategy;

12 (ii) \$750,000,000 shall remain avail-
13 able for the 6-year period beginning on the
14 date specified in paragraph (2)(A) for use
15 by the Secretary to expand and implement
16 the mandatory employment verification
17 system, which shall be used as required by
18 section 274A of the Immigration and Na-
19 tionality Act (8 U.S.C. 1324a), as amend-
20 ed by section 3101;

21 (iii) \$900,000,000 shall remain avail-
22 able for the 8-year period beginning on the
23 date specified in paragraph (2)(A) for use
24 by the Secretary of State to pay for one-

1 time and startup costs necessary to imple-
2 ment this Act; and

3 (iv) \$150,000,000 shall remain avail-
4 able for the 2-year period beginning on the
5 date specified in paragraph (2)(A) for use
6 by the Secretary for transfer to the Sec-
7 retary of Labor, the Secretary of Agri-
8 culture, or the Attorney General, for initial
9 costs of implementing this Act.

10 (B) REPAYMENT OF TRUST FUND EX-
11 PENSES.—The first \$8,300,000,000 collected
12 pursuant to the fees, penalties, and fines re-
13 ferred to in clauses (ii), (iii), (iv), (vi), (xiii),
14 (xvii), and (xviii) of paragraph (2)(B) shall be
15 collected, deposited in the general fund of the
16 Treasury, and used for Federal budget deficit
17 reduction. Collections in excess of
18 \$8,300,000,000 shall be deposited into the
19 Trust Fund, as specified in paragraph (2)(B).

20 (C) PROGRAM IMPLEMENTATION.—
21 Amounts deposited into the Trust Fund pursu-
22 ant to paragraph (2)(B) shall be available dur-
23 ing each of fiscal years 2014 through 2018 as
24 follows:

1 (i) \$50,000,000 to carry out the ac-
2 tivities referenced in section 1104(a)(1).

3 (ii) \$50,000,000 to carry out the ac-
4 tivities referenced in section 1104(b).

5 (D) ONGOING FUNDING.—Subject to the
6 availability of appropriations, amounts depos-
7 ited in the Trust Fund pursuant to paragraph
8 (2)(B) are authorized to be appropriated as fol-
9 lows:

10 (i) Such sums as may be necessary to
11 carry out the authorizations included in
12 this Act.

13 (ii) Such sums as may be necessary to
14 carry out the operations and maintenance
15 of border security and immigration en-
16 forcement investments described in sub-
17 paragraph (A).

18 (E) EXPENDITURE PLAN.—The Secretary,
19 in consultation with the Attorney General and
20 the Secretary of Defense, shall submit to the
21 Committee on Appropriations and the Com-
22 mittee on the Judiciary of the Senate and the
23 Committee on Appropriations and the Com-
24 mittee on the Judiciary of the House of Rep-
25 resentatives, in conjunction with the Com-

1 prehensive Southern Border Strategy, a plan
2 for expenditure that describes—

3 (i) the types and planned deployment
4 of fixed, mobile, video, and agent and offi-
5 cer portable surveillance and detection
6 equipment, including those recommended
7 or provided by the Department of Defense;

8 (ii) the number of Border Patrol
9 agents and U.S. Customs and Border Pro-
10 tection officers to be hired, including a de-
11 tailed description of which Border Patrol
12 sectors and which land border ports of
13 entry such agents and officers will be sta-
14 tioned;

15 (iii) the numbers and type of un-
16 armed, unmanned aerial systems and un-
17 armed, fixed-wing and rotary aircraft, in-
18 cluding pilots, air interdiction agents, and
19 support staff to fly or otherwise operate
20 and maintain the equipment;

21 (iv) the numbers, types, and planned
22 deployment of marine and riverine vessels,
23 if any, including marine interdiction agents
24 and support staff to operate and maintain
25 the vessels;

1 (v) the locations, amount, and
2 planned deployment of fencing, including
3 double layer fencing, tactical and other in-
4 frastructure, and technology, including
5 fixed towers, sensors, cameras, and other
6 detection technology;

7 (vi) the numbers, types, and planned
8 deployment of ground-based mobile surveil-
9 lance systems;

10 (vii) the numbers, types, and planned
11 deployment of tactical and other interoper-
12 able law enforcement communications sys-
13 tems and equipment;

14 (viii) required construction, including
15 repairs, expansion, and maintenance, and
16 location of additional checkpoints, Border
17 Patrol stations, and forward operating
18 bases;

19 (ix) the number of additional attor-
20 neys and support staff for the Office of the
21 United States Attorney for Tucson;

22 (x) the number of additional support
23 staff and interpreters in the Office of the
24 Clerk of the Court for Tucson;

1 (xi) the number of additional per-
2 sonnel, including Marshals and Deputy
3 Marshals for the United States Marshals
4 Office for Tucson;

5 (xii) the number of additional mag-
6 istrate judges for the southern border
7 United States district courts;

8 (xiii) activities to be funded by the
9 Homeland Security Border Oversight Task
10 Force;

11 (xiv) amounts and types of grants to
12 States and other entities;

13 (xv) amounts and activities necessary
14 to hire additional personnel and for start-
15 up costs related to upgrading software and
16 information technology necessary to transi-
17 tion from a voluntary E-Verify system to
18 mandatory employment verification system
19 under section 274A of the Immigration
20 and Nationality Act (8 U.S.C. 1324a)
21 within 5 years;

22 (xvi) the number of additional per-
23 sonnel and other costs associated with im-
24 plementing the immigration courts and re-

1 moval proceedings mandated in subtitle E
2 of title III;

3 (xvii) the steps the Commissioner of
4 Social Security plans to take to create a
5 fraud-resistant, tamper-resistant, wear-re-
6 sistant, and identity theft-resistant Social
7 Security card, including—

8 (I) the types of equipment need-
9 ed to create the card;

10 (II) the total estimated costs for
11 completion that clearly delineates
12 costs associated with the acquisition
13 of equipment and transition to oper-
14 ation, subdivided by fiscal year and
15 including a description of the purpose
16 by fiscal year for design, pre-acquisi-
17 tion activities, production, and transi-
18 tion to operation;

19 (III) the number and type of per-
20 sonnel, including contract personnel,
21 required to research, design, test, and
22 produce the card; and

23 (IV) a detailed schedule for pro-
24 duction of the card, including an esti-
25 mated completion date at the pro-

1 jected funding level provided in this
2 Act; and
3 (xviii) the operations and maintenance
4 costs associated with the implementation of
5 clauses (i) through (xvii).

6 (F) ANNUAL REVISION.—The expenditure
7 plan required in (E) shall be revised and sub-
8 mitted with the President’s budget proposals
9 for fiscal year 2016, 2017, 2018, and 2019
10 pursuant to the requirements of section 1105(a)
11 of title 31, United States Code.

12 (4) LIMITATION ON COLLECTION.—

13 (A) IN GENERAL.—No fee deposited in the
14 Trust Fund may be collected except to the ex-
15 tent that the expenditure of the fee is provided
16 for in advance in an appropriations Act only to
17 pay the costs of activities and services for which
18 appropriations are authorized to be funded
19 from the Trust Fund.

20 (B) RECEIPTS COLLECTED AS OFFSETTING
21 RECEIPTS.—Until the date of the enactment of
22 an Act making appropriations for the activities
23 authorized under this Act through September
24 30, 2014, the fees authorized by paragraph
25 (2)(B) that are not deposited into the general

1 fund pursuant to paragraph (3)(B) may be col-
2 lected and shall be credited as to the Trust
3 Fund to remain available until expended only to
4 pay the costs of activities and services for which
5 appropriations are authorized to be funded
6 from the Trust Fund.

7 (b) COMPREHENSIVE IMMIGRATION REFORM START-
8 UP ACCOUNT.—

9 (1) ESTABLISHMENT.—There is established in
10 the Treasury a separate account, to be known as the
11 “Comprehensive Immigration Reform Startup Ac-
12 count,” (referred to in this section as the “Startup
13 Account”), consisting of amounts transferred from
14 the general fund of the Treasury under paragraph
15 (2).

16 (2) DEPOSITS.—There is appropriated to the
17 Startup Account, out of any funds in the Treasury
18 not otherwise appropriated, \$3,000,000,000, to re-
19 main available until expended on the later of the
20 date that is—

21 (A) the date of the enactment of this Act;

22 or

23 (B) October 1, 2013.

24 (3) REPAYMENT OF STARTUP COSTS.—

1 (A) IN GENERAL.—Notwithstanding sec-
2 tion 286(m) of the Immigration and Nationality
3 Act (8 U.S.C. 1356(m)), 50 percent of fees col-
4 lected under section 245B(c)(10)(A) of the Im-
5 migration and Nationality Act, as added by sec-
6 tion 2101 of this Act, shall be deposited month-
7 ly in the general fund of the Treasury and used
8 for Federal budget deficit reduction until the
9 funding provided by paragraph (2) has been re-
10 paid.

11 (B) DEPOSIT IN THE IMMIGRATION EXAMI-
12 NATIONS FEE ACCOUNT.—Fees collected in ex-
13 cess of the amount referenced in subparagraph
14 (A) shall be deposited in the Immigration Ex-
15 aminations Fee Account, pursuant to subsection
16 (m) of section 286 of the Immigration and Na-
17 tionality Act (8 U.S.C. 1356), and shall remain
18 available until expended pursuant to subsection
19 (n) of such section.

20 (4) USE OF FUNDS.—The Secretary shall use
21 the amounts transferred to the Startup Account to
22 pay for one-time and startup costs necessary to im-
23 plement this Act, including—

24 (A) equipment, information technology sys-
25 tems, infrastructure, and human resources;

1 (B) outreach to the public, including devel-
2 opment and promulgation of any regulations,
3 rules, or other public notice;

4 (C) grants to community and faith-based
5 organizations; and

6 (D) anti-fraud programs and actions re-
7 lated to implementation of this Act.

8 (5) EXPENDITURE PLAN.—Not later than 90
9 days after the date of the enactment of this Act, the
10 Secretary, in consultation with the Attorney General
11 and the Secretary of Defense, shall submit to the
12 Committee on Appropriations and the Committee on
13 the Judiciary of the Senate and the Committee on
14 Appropriations and the Committee on the Judiciary
15 of the House of Representatives, a plan for expendi-
16 ture of the one-time and startup funds in the Start-
17 up Account that provides details on—

18 (A) the types of equipment, information
19 technology systems, infrastructure, and human
20 resources;

21 (B) the plans for outreach to the public,
22 including development and promulgation of any
23 regulations, rules, or other public notice;

24 (C) the types and amounts of grants to
25 community and faith-based organizations; and

1 (D) the anti-fraud programs and actions
2 related to implementation of this Act.

3 (c) ANNUAL AUDITS.—

4 (1) AUDITS REQUIRED.—Not later than Octo-
5 ber 1 each year beginning on or after the date of the
6 enactment of this Act, the Chief Financial Officer of
7 the Department shall, in conjunction with the In-
8 spector General of the Department, conduct an audit
9 of the Trust Fund.

10 (2) REPORTS.—Upon completion of each audit
11 of the Trust Fund under paragraph (1), the Chief
12 Financial Officer shall, in conjunction with the In-
13 spector General, submit to Congress, and make
14 available to the public on an Internet website of the
15 Department available to the public, a jointly audited
16 financial statement concerning the Trust Fund.

17 (3) ELEMENTS.—Each audited financial state-
18 ment under paragraph (2) shall include the fol-
19 lowing:

20 (A) The report of an independent certified
21 public accountant.

22 (B) A balance sheet reporting admitted as-
23 sets, liabilities, capital and surplus.

24 (C) A statement of cash flow.

1 (D) Such other information on the Trust
2 Fund as the Chief Financial Officer, the In-
3 specter General, or the independent certified
4 public accountant considers appropriate to fa-
5 cilitate a comprehensive understanding of the
6 Trust Fund during the year covered by the fi-
7 nancial statement.

8 (d) DETERMINATION OF BUDGETARY EFFECTS.—

9 (1) EMERGENCY DESIGNATION FOR CONGRES-
10 SIONAL ENFORCEMENT.—In the Senate, amounts
11 appropriated by or deposited in the general fund of
12 the Treasury pursuant to this section are designated
13 as an emergency requirement pursuant to section
14 403(a) of S. Con. Res. 13 (111th Congress), the
15 concurrent resolution on the budget for fiscal year
16 2010.

17 (2) EMERGENCY DESIGNATION FOR STATUTORY
18 PAYGO.—Amounts appropriated by or deposited in
19 the general fund of the Treasury pursuant to this
20 section are designated as an emergency requirement
21 under section 4(g) of the Statutory Pay-As-You-Go
22 Act of 2010 (Public Law 111–139; 2 U.S.C.
23 933(g)).

24 **SEC. 8. GRANT ACCOUNTABILITY.**

25 (a) DEFINITIONS.—In this section:

1 (1) AWARDING ENTITY.—The term “awarding
2 entity” means the Secretary, the Director of the
3 Federal Emergency Management Agency, the Chief
4 of the Office of Citizenship and New Americans, as
5 designated by this Act, or the Director of the Na-
6 tional Science Foundation.

7 (2) NONPROFIT ORGANIZATION.—The term
8 “nonprofit organization” means an organization that
9 is described in section 501(c)(3) of the Internal Rev-
10 enue Code of 1986 and is exempt from taxation
11 under section 501(a) of such Code.

12 (3) UNRESOLVED AUDIT FINDING.—The term
13 “unresolved audit finding” means a finding in a
14 final audit report conducted by the Inspector Gen-
15 eral of the Department, or the Inspector General for
16 the National Science Foundation for grants awarded
17 by the Director of the National Science Foundation,
18 that the audited grantee has utilized grant funds for
19 an unauthorized expenditure or otherwise unallow-
20 able cost that is not closed or resolved within 1 year
21 from the date when the final audit report is issued.

22 (b) ACCOUNTABILITY.—All grants awarded by an
23 awarding entity pursuant to this Act shall be subject to
24 the following accountability provisions:

25 (1) AUDIT REQUIREMENT.—

1 (A) AUDITS.—Beginning in the first fiscal
2 year beginning after the date of the enactment
3 of this Act, and in each fiscal year thereafter,
4 the Inspector General of the Department, or
5 the Inspector General for the National Science
6 Foundation for grants awarded by the Director
7 of the National Science Foundation, shall con-
8 duct audits of recipients of grants under this
9 Act to prevent waste, fraud, and abuse of funds
10 by grantees. Such Inspectors General shall de-
11 termine the appropriate number of grantees to
12 be audited each year.

13 (B) MANDATORY EXCLUSION.—A recipient
14 of grant funds under this Act that is found to
15 have an unresolved audit finding shall not be el-
16 igible to receive grant funds under this Act dur-
17 ing the first 2 fiscal years beginning after the
18 end of the 1-year period described in subsection
19 (a)(3).

20 (C) PRIORITY.—In awarding a grant under
21 this Act, the awarding entity shall give priority
22 to eligible applicants that did not have an unre-
23 solved audit finding during the 3 fiscal years
24 prior to the date the entity submitted the appli-
25 cation for such grant.

1 (D) REIMBURSEMENT.—If an entity is
2 awarded grant funds under this Act during the
3 period of 2 fiscal years in which the entity is
4 barred from receiving grants under subpara-
5 graph (B), the awarding entity shall—

6 (i) deposit an amount equal to the
7 amount of the grant funds that were im-
8 properly awarded to such entity into the
9 general fund of the Treasury; and

10 (ii) seek to recover the costs of the re-
11 payment under clause (i) from such entity.

12 (2) NONPROFIT ORGANIZATION REQUIRE-
13 MENTS.—

14 (A) PROHIBITION.—An awarding entity
15 may not award a grant under this Act to a non-
16 profit organization that holds money in offshore
17 accounts for the purpose of avoiding the tax im-
18 posed by section 511(a) of the Internal Revenue
19 Code of 1986.

20 (B) DISCLOSURE.—Each nonprofit organi-
21 zation that is awarded a grant under this Act
22 and uses the procedures prescribed in regula-
23 tions to create a rebuttable presumption of rea-
24 sonableness for the compensation of its officers,
25 directors, trustees and key employees, shall dis-

1 close to the awarding entity, in the application
2 for the grant, the process for determining such
3 compensation, including the independent per-
4 sons involved in reviewing and approving such
5 compensation, the comparability data used, and
6 contemporaneous substantiation of the delibera-
7 tion and decision. Upon request, the awarding
8 entity shall make the information disclosed
9 under this subparagraph available for public in-
10 spection.

11 (3) CONFERENCE EXPENDITURES.—

12 (A) LIMITATION.—No amounts authorized
13 to be appropriated to the Department or the
14 National Science Foundation for grant pro-
15 grams under this Act may be used by an
16 awarding entity or by any individual or entity
17 awarded discretionary funds through a coopera-
18 tive agreement under this Act to host or sup-
19 port any expenditure for conferences that uses
20 more than \$20,000 in funds made available by
21 the Department or the National Science Foun-
22 dation unless the Deputy Secretary for Home-
23 land Security, or the Deputy Director of the
24 National Science Foundation, or their designee,

1 provides prior written authorization that the
2 funds may be expended to host the conference.

3 (B) WRITTEN APPROVAL.—Written ap-
4 proval under subparagraph (A) shall include a
5 written estimate of all costs associated with the
6 conference, including the cost of all food, bev-
7 erages, audio-visual equipment, honoraria for
8 speakers, and entertainment.

9 (C) REPORT.—The Deputy Secretary of
10 Homeland Security and the Deputy Director of
11 the National Science Foundation shall submit
12 to Congress an annual report on all conference
13 expenditures approved under this paragraph.

14 (4) ANNUAL CERTIFICATION.—Beginning in the
15 first fiscal year beginning after the date of the en-
16 actment of this Act, each awarding entity shall sub-
17 mit to Congress a report—

18 (A) indicating whether—

19 (i) all audits issued by the Offices of
20 the Inspector General under paragraph (1)
21 have been completed and reviewed by the
22 appropriate individuals;

23 (ii) all mandatory exclusions required
24 under paragraph (1)(B) have been issued;
25 and

1 (iii) all reimbursements required
2 under paragraph (1)(D) have been made;
3 and
4 (B) including a list of any grant recipients
5 excluded under paragraph (1) from the previous
6 year.

7 **SEC. 9. REFERENCE TO THE IMMIGRATION AND NATION-**
8 **ALITY ACT.**

9 Except as otherwise expressly provided, whenever in
10 this Act an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of the Immigration and Nation-
14 ality Act (8 U.S.C. 1101 et seq.).

15 **SEC. 10. DEFINITIONS.**

16 In this Act:

17 (1) DEPARTMENT.—Except as otherwise pro-
18 vided, the term “Department” means the Depart-
19 ment of Homeland Security.

20 (2) SECRETARY.—Except as otherwise provided,
21 the term “Secretary” means the Secretary of Home-
22 land Security.

23 **TITLE I—BORDER SECURITY**

24 **SEC. 1101. DEFINITIONS.**

25 In this title:

1 (1) NORTHERN BORDER.—The term “Northern
2 border” means the international border between the
3 United States and Canada.

4 (2) RURAL, HIGH-TRAFFICKED AREAS.—The
5 term “rural, high-trafficked areas” means rural
6 areas through which drugs and undocumented aliens
7 are routinely smuggled, as designated by the Com-
8 missioner of U.S. Customs and Border Protection.

9 (3) SOUTHERN BORDER.—The term “Southern
10 border” means the international border between the
11 United States and Mexico.

12 (4) SOUTHWEST BORDER REGION.—The term
13 “Southwest border region” means the area in the
14 United States that is within 100 miles of the South-
15 ern border.

16 **SEC. 1102. ADDITIONAL U.S. CUSTOMS AND BORDER PRO-**
17 **TECTION OFFICERS.**

18 (a) IN GENERAL.—Not later than September 30,
19 2017, the Secretary shall increase the number of trained
20 full-time active duty U.S. Border Patrol agents deployed
21 to the Southern border by 5,000, compared to the number
22 of such officers as of the date of the enactment of this
23 Act. The Secretary shall make progress in increasing such
24 number of officers during each of fiscal years 2014
25 through 2017.

1 (b) CONSTRUCTION.—Nothing in subsection (a) may
2 be construed to preclude the Secretary from reassigning
3 or stationing U.S. Customs and Border Protection officers
4 and U.S. Border Patrol agents from the Northern border
5 to the Southern border.

6 (c) FUNDING.—Section 217(h)(3)(B) (8 U.S.C.
7 1187(h)(3)(B)) is amended—

8 (1) in clause (i)—

9 (A) by striking “No later than 6 months
10 after the date of enactment of the Travel Pro-
11 motion Act of 2009, the” and inserting “The”;

12 (B) in subclause (I), by striking “and” at
13 the end;

14 (C) by redesignating subclause (II) as sub-
15 clause (III); and

16 (D) by inserting after subclause (I) the fol-
17 lowing:

18 “(II) \$16 for border processing;
19 and”;

20 (2) in clause (ii), by striking “Amounts col-
21 lected under clause (i)(II)” and inserting “Amounts
22 collected under clause (i)(II) shall be deposited into
23 the Comprehensive Immigration Reform Trust Fund
24 established by section 7(a)(1) of the Border Secu-
25 rity, Economic Opportunity, and Immigration Mod-

1 ernization Act. Amounts collected under clause
2 (i)(III)”; and
3 (3) by striking clause (iii).

4 **SEC. 1103. NATIONAL GUARD SUPPORT TO SECURE THE**
5 **SOUTHERN BORDER.**

6 (a) IN GENERAL.—With the approval of the Sec-
7 retary of Defense, the Governor of a State may order any
8 units or personnel of the National Guard of such State
9 to perform operations and missions under section 502(f)
10 of title 32, United States Code, in the Southwest border
11 region for the purposes of assisting U.S. Customs and
12 Border Protection in securing the Southern border.

13 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

14 (1) IN GENERAL.—National Guard units and
15 personnel deployed under subsection (a) may be as-
16 signed such operations and missions specified in sub-
17 section (c) as may be necessary to secure the South-
18 ern border.

19 (2) NATURE OF DUTY.—The duty of National

20 Guard personnel performing operations and missions
21 described in paragraph (1) shall be full-time duty
22 under title 32, United States Code.

23 (c) RANGE OF OPERATIONS AND MISSIONS.—The op-
24 erations and missions assigned under subsection (b) shall
25 include the temporary authority—

1 (1) to construct fencing, including double-layer
2 and triple-layer fencing;

3 (2) to increase ground-based mobile surveillance
4 systems;

5 (3) to deploy additional unmanned aerial sys-
6 tems and manned aircraft sufficient to maintain
7 continuous surveillance of the Southern border;

8 (4) to deploy and provide capability for radio
9 communications interoperability between U.S. Cus-
10 toms and Border Protection and State, local, and
11 tribal law enforcement agencies;

12 (5) to construct checkpoints along the Southern
13 border to bridge the gap to long-term permanent
14 checkpoints; and

15 (6) to provide assistance to U.S. Customs and
16 Border Protection, particularly in rural, high-traf-
17 ficked areas, as designated by the Commissioner of
18 U.S. Customs and Border Protection.

19 (d) MATERIEL AND LOGISTICAL SUPPORT.—The
20 Secretary of Defense shall deploy such materiel and equip-
21 ment and logistical support as may be necessary to ensure
22 success of the operations and missions conducted by the
23 National Guard under this section.

24 (e) EXCLUSION FROM NATIONAL GUARD PER-
25 SONNEL STRENGTH LIMITATIONS.—National Guard per-

1 sonnel deployed under subsection (a) shall not be included
2 in—

3 (1) the calculation to determine compliance
4 with limits on end strength for National Guard per-
5 sonnel; or

6 (2) limits on the number of National Guard
7 personnel that may be placed on active duty for
8 operational support under section 115 of title 10,
9 United States Code.

10 **SEC. 1104. ENHANCEMENT OF EXISTING BORDER SECURITY**
11 **OPERATIONS.**

12 (a) BORDER CROSSING PROSECUTIONS.—

13 (1) IN GENERAL.—From the amounts available
14 pursuant to the authorization of appropriations in
15 paragraph (3), funds shall be available—

16 (A) to increase the number of border cross-
17 ing prosecutions in each and every sector of the
18 Southwest border region by at least 50 percent
19 per day, as calculated by the previous yearly av-
20 erage on the date of the enactment of this Act,
21 through increasing the funding available for—

22 (i) attorneys and administrative sup-
23 port staff in offices of United States attor-
24 neys;

1 (ii) support staff and interpreters in
2 Court Clerks' Offices;

3 (iii) pre-trial services;

4 (iv) activities of the Federal Public
5 Defenders Office; and

6 (v) additional personnel, including
7 Deputy U.S. Marshals in United States
8 Marshals' Offices to perform intake, co-
9 ordination, transportation, and court secu-
10 rity; and

11 (B) to reimburse Federal, State, local, and
12 tribal law enforcement agencies for any deten-
13 tion costs related to the border crossing pros-
14 ecutions carried out pursuant to subparagraph
15 (A).

16 (2) ADDITIONAL MAGISTRATE JUDGES TO AS-
17 SIST WITH INCREASED CASELOAD.—The chief judge
18 of the United States district courts within sectors of
19 the Southwest border region are authorized to ap-
20 point additional full-time magistrate judges, who,
21 consistent with the Constitution and laws of the
22 United States, shall have the authority to hear cases
23 and controversies in the judicial district in which the
24 respective judges are appointed.

1 (3) FUNDING.—There are authorized to be ap-
2 propriated from the Comprehensive Immigration Re-
3 form Trust Fund established by section 7(a)(1) of
4 this Act such sums as may be necessary to carry out
5 this subsection.

6 (b) OPERATION STONEGARDEN.—

7 (1) IN GENERAL.—The Federal Emergency
8 Management Agency shall enhance law enforcement
9 preparedness and operational readiness along the
10 borders of the United States through Operation
11 Stonegarden.

12 (2) GRANTS AND REIMBURSEMENTS.—

13 (A) IN GENERAL.—For purposes of para-
14 graph (1), not less than 90 percent of the
15 amounts made available pursuant to the author-
16 ization of appropriations in paragraph (3) shall
17 be allocated for grants and reimbursements to
18 law enforcement agencies in the States in the
19 Southwest border region for personnel, over-
20 time, travel, and other costs related to com-
21 bating illegal immigration and drug smuggling
22 in the Southwest border region.

23 (B) GRANTS TO LAW ENFORCEMENT
24 AGENCIES.—Allocations for grants and reim-
25 bursements to law enforcement agencies under

1 this paragraph shall be made by the Federal
2 Emergency Management Agency through a
3 competitive process.

4 (3) FUNDING.—There are authorized to be ap-
5 propriated from the Comprehensive Immigration Re-
6 form Trust Fund pursuant to section 7(a)(3)(C)(ii)
7 of this Act such sums as may be necessary to carry
8 out this subsection.

9 (c) PHYSICAL AND TACTICAL INFRASTRUCTURE IM-
10 PROVEMENTS.—

11 (1) CONSTRUCTION, UPGRADE, AND ACQUI-
12 TION OF BORDER CONTROL FACILITIES.—The Sec-
13 retary shall, consistent with the Southern Border
14 Security Strategy required by section 5 of this Act,
15 upgrade existing physical and tactical infrastructure
16 of the Department, and construct and acquire addi-
17 tional physical and tactical infrastructure, including
18 the following:

19 (A) U.S. Border Patrol stations.

20 (B) U.S. Border Patrol checkpoints.

21 (C) Forward operating bases.

22 (D) Monitoring stations.

23 (E) Mobile command centers.

24 (F) Field offices.

25 (G) All-weather roads.

1 (H) Lighting.

2 (I) Real property.

3 (J) Land border port of entry improve-
4 ments.

5 (K) Other necessary facilities, structures,
6 and properties.

7 (2) REQUIRED USES OF FUNDS.—The Sec-
8 retary, consistent with the Southern Border Security
9 Strategy, shall do the following:

10 (A) U.S. BORDER PATROL STATIONS.—

11 (i) Construct additional U.S. Border
12 Patrol stations in the Southwest border re-
13 gion that U.S. Customs and Border Pro-
14 tection determines are needed to provide
15 full operational support in rural, high-traf-
16 ficked areas.

17 (ii) Analyze the feasibility of creating
18 additional U.S. Border Patrol sectors
19 along the Southern border to interrupt
20 drug trafficking operations.

21 (B) U.S. BORDER PATROL CHECK-
22 POINTS.—Operate and maintain additional tem-
23 porary or permanent checkpoints on roadways
24 in the Southwest border region in order to
25 deter, interdict, and apprehend terrorists,

1 human traffickers, drug traffickers, weapons
2 traffickers, and other criminals before they
3 enter the interior of the United States.

4 (C) U.S. BORDER PATROL FORWARD OPER-
5 ATING BASES.—

6 (i) Establish additional permanent
7 forward operating bases for U.S. Border
8 Patrol, as needed.

9 (ii) Upgrade existing forward oper-
10 ating bases to include modular buildings,
11 electricity, and potable water.

12 (iii) Ensure that forward operating
13 bases surveil and interdict individuals en-
14 tering the United States unlawfully imme-
15 diately after such individuals cross the
16 Southern border.

17 (3) SAFE AND SECURE BORDER INFRASTRUC-
18 TURE.—The Secretary and the Secretary of Trans-
19 portation, in consultation with the Governors of the
20 States in the Southwest border region or the region
21 along the Northern border, shall establish a grant
22 program, which shall be administered by the Sec-
23 retary of Transportation and the Administrator of
24 the General Services Administration, to construct
25 transportation and supporting infrastructure im-

1 provements at existing and new international border
2 crossings necessary to facilitate safe, secure, and ef-
3 ficient cross border movement of people, motor vehi-
4 cles, and cargo.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated for each of
7 fiscal years 2014 through 2018, such sums as may
8 be necessary to carry out this subsection.

9 (d) ADDITIONAL PERMANENT DISTRICT COURT
10 JUDGESHIPS IN SOUTHWEST BORDER STATES.—

11 (1) IN GENERAL.—The President shall appoint,
12 by and with the advice and consent of the Senate—

13 (A) 2 additional district judges for the dis-
14 trict of Arizona;

15 (B) 3 additional district judges for the
16 eastern district of California;

17 (C) 2 additional district judges for the
18 western district of Texas; and

19 (D) 1 additional district judge for the
20 southern district of Texas.

21 (2) CONVERSIONS OF TEMPORARY DISTRICT
22 COURT JUDGESHIPS.—The existing judgeships for
23 the district of Arizona and the central district of
24 California authorized by section 312(c) of the 21st
25 Century Department of Justice Appropriations Au-

1 thorization Act (28 U.S.C. 133 note; Public Law
 2 107–273; 116 Stat. 1788), as of the effective date
 3 of this Act, shall be authorized under section 133 of
 4 title 28, United States Code, and the incumbents in
 5 those offices shall hold the office under section 133
 6 of title 28, United States Code, as amended by this
 7 Act.

8 (3) TECHNICAL AND CONFORMING AMEND-
 9 MENTS.—The table contained in section 133(a) of
 10 title 28, United States Code, is amended—

11 (A) by striking the item relating to the dis-
 12 trict of Arizona and inserting the following:

“Arizona 15”;

13 (B) by striking the items relating to Cali-
 14 fornia and inserting the following:

“California:

Northern	14
Eastern	9
Central	28
Southern	13”;
	and

15 (C) by striking the items relating to Texas
 16 and inserting the following:

“Texas:

Northern	12
Southern	20
Eastern	7
Western	15”.

17 (4) INCREASE IN FILING FEES.—

1 (A) IN GENERAL.—Section 1914(a) of title
2 28, United States Code, is amended by striking
3 “\$350” and inserting “\$360”.

4 (B) EXPENDITURE LIMITATION.—Incre-
5 mental amounts collected by reason of the en-
6 actment of this paragraph shall be deposited as
7 offsetting receipts in the special fund of the
8 Treasury established under section 1931 of title
9 28, United States Code. Such amounts shall be
10 available solely for the purpose of facilitating
11 the processing of civil cases, but only to the ex-
12 tent specifically appropriated by an Act of Con-
13 gress enacted after the date of the enactment of
14 this Act.

15 (5) WHISTLEBLOWER PROTECTION.—

16 (A) IN GENERAL.—No officer, employee,
17 agent, contractor, or subcontractor of the judi-
18 cial branch may discharge, demote, threaten,
19 suspend, harass, or in any other manner dis-
20 criminate against an employee in the terms and
21 conditions of employment because of any lawful
22 act done by the employee to provide informa-
23 tion, cause information to be provided, or other-
24 wise assist in an investigation regarding any
25 possible violation of Federal law or regulation,

1 or misconduct, by a judge, justice, or any other
2 employee in the judicial branch, which may as-
3 sist in the investigation of the possible violation
4 or misconduct.

5 (B) CIVIL ACTION.—An employee injured
6 by a violation of subparagraph (A) may, in a
7 civil action, obtain appropriate relief.

8 **SEC. 1105. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

9 (a) DEFINITIONS.—In this section:

10 (1) FEDERAL LANDS.—The term “Federal
11 lands” includes all land under the control of the Sec-
12 retary concerned that is located within the South-
13 west border region in the State of Arizona along the
14 Southern border.

15 (2) SECRETARY CONCERNED.—The term “Sec-
16 retary concerned” means—

17 (A) with respect to land under the jurisdic-
18 tion of the Secretary of Agriculture, the Sec-
19 retary of Agriculture; and

20 (B) with respect to land under the jurisdic-
21 tion of the Secretary of the Interior, the Sec-
22 retary of the Interior.

23 (b) SUPPORT FOR BORDER SECURITY NEEDS.—To
24 achieve effective control of Federal lands—

1 (1) the Secretary concerned, notwithstanding
2 any other provision of law, shall authorize and pro-
3 vide U.S. Customs and Border Protection personnel
4 with immediate access to Federal lands for security
5 activities, including—

6 (A) routine motorized patrols; and

7 (B) the deployment of communications,
8 surveillance, and detection equipment;

9 (2) the security activities described in para-
10 graph (1) shall be conducted, to the maximum ex-
11 tent practicable, in a manner that the Secretary de-
12 termines will best protect the natural and cultural
13 resources on Federal lands; and

14 (3) the Secretary concerned may provide edu-
15 cation and training to U.S. Customs and Border
16 Protection personnel on the natural and cultural re-
17 sources present on individual Federal land units.

18 (c) PROGRAMMATIC ENVIRONMENTAL IMPACT
19 STATEMENT.—

20 (1) IN GENERAL.—After implementing sub-
21 section (b), the Secretary, in consultation with the
22 Secretaries concerned, shall prepare and publish in
23 the Federal Register a notice of intent to prepare a
24 programmatic environmental impact statement in
25 accordance with the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.) to analyze the
2 impacts of the activities described in subsection (b).

3 (2) EFFECT ON PROCESSING APPLICATION AND
4 SPECIAL USE PERMITS.—The pending completion of
5 a programmatic environmental impact statement
6 under this section shall not result in any delay in the
7 processing or approving of applications or special
8 use permits by the Secretaries concerned for the ac-
9 tivities described in subsection (b).

10 (3) AMENDMENT OF LAND USE PLANS.—The
11 Secretaries concerned shall amend any land use
12 plans, as appropriate, upon completion of the pro-
13 grammatic environmental impact statement de-
14 scribed in subsection (b).

15 (4) SCOPE OF PROGRAMMATIC ENVIRONMENTAL
16 IMPACT STATEMENT.—The programmatic environ-
17 mental impact statement described in paragraph
18 (1)—

19 (A) may be used to advise the Secretary on
20 the impact on natural and cultural resources on
21 Federal lands; and

22 (B) shall not control, delay, or restrict ac-
23 tions by the Secretary to achieve effective con-
24 trol on Federal lands.

1 (d) INTERMINGLED STATE AND PRIVATE LAND.—

2 This section shall not apply to any private or State-owned
3 land within the boundaries of Federal lands.

4 **SEC. 1106. EQUIPMENT AND TECHNOLOGY.**

5 (a) ENHANCEMENTS.—The Secretary, in consulta-
6 tion with the Commissioner of U.S. Customs and Border
7 Protection and consistent with the Southern Border Secu-
8 rity Strategy required by section 5 of this Act, shall up-
9 grade existing technological assets and equipment, and
10 procure and deploy additional technological assets and
11 equipment, including the following:

- 12 (1) Unarmed, unmanned aerial vehicles.
- 13 (2) Fixed-wing aircraft.
- 14 (3) Helicopters.
- 15 (4) Remote video surveillance camera systems.
- 16 (5) Mobile surveillance systems.
- 17 (6) Agent portable surveillance systems.
- 18 (7) Radar technology.
- 19 (8) Satellite technology.
- 20 (9) Fiber optics.
- 21 (10) Integrated fixed towers.
- 22 (11) Relay towers.
- 23 (12) Poles.
- 24 (13) Night vision equipment.

1 (14) Sensors, including imaging sensors and
2 unattended ground sensors.

3 (15) Biometric entry-exit systems.

4 (16) Contraband detection equipment.

5 (17) Digital imaging equipment.

6 (18) Document fraud detection equipment.

7 (19) Land vehicles.

8 (20) Officer and personnel safety equipment.

9 (21) Other technologies and equipment.

10 (b) REQUIRED USES OF FUNDS.—The Secretary,
11 consistent with the Southern Border Security Strategy,
12 shall—

13 (1) deploy additional mobile, video, and agent-
14 portable surveillance systems, and unarmed, un-
15 manned aerial vehicles in the Southwest border re-
16 gion as necessary to provide 24-hour operation and
17 surveillance;

18 (2) operate unarmed unmanned aerial vehicles
19 along the Southern border for 24 hours per day and
20 for 7 days per week;

21 (3) deploy unarmed additional fixed-wing air-
22 craft and helicopters along the Southern border;

23 (4) acquire new rotocraft and make upgrades to
24 the existing helicopter fleet;

1 (5) increase horse patrols in the Southwest bor-
2 der region; and

3 (6) acquire and deploy watercraft and other
4 equipment to provide support for border-related
5 maritime anti-crime activities.

6 (c) LIMITATION.—

7 (1) IN GENERAL.—Notwithstanding paragraphs
8 (1) and (2) of subsection (a), and except as provided
9 in paragraph (2), U.S. Border Patrol may not oper-
10 ate unarmed, unmanned aerial vehicles in the San
11 Diego and El Centro Sectors, except within 3 miles
12 of the Southern border.

13 (2) EXCEPTION.—The limitation under this
14 subsection shall not restrict the maritime operations
15 of U.S. Customs and Border Protection.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
17 tion to amounts otherwise authorized to be appropriated,
18 there is authorized to be appropriated for each of fiscal
19 years 2014 through 2018 for U.S. Customs and Border
20 Protection such sums as may be necessary to carry out
21 this section.

22 **SEC. 1107. ACCESS TO EMERGENCY PERSONNEL.**

23 (a) SOUTHWEST BORDER REGION EMERGENCY COM-
24 MUNICATIONS GRANTS.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Governors of the States in the South-
3 west border region, shall establish a 2-year grant
4 program, to be administered by the Secretary, to im-
5 prove emergency communications in the Southwest
6 border region.

7 (2) ELIGIBILITY FOR GRANTS.—An individual
8 is eligible to receive a grant under this subsection if
9 the individual demonstrates that he or she—

10 (A) regularly resides or works in the
11 Southwest border region; and

12 (B) is at greater risk of border violence
13 due to the lack of cellular service at his or her
14 residence or business and his or her proximity
15 to the Southern border.

16 (3) USE OF GRANTS.—Grants awarded under
17 this subsection may be used to purchase satellite
18 telephone communications systems and service
19 that—

20 (A) can provide access to 9–1–1 service;
21 and

22 (B) are equipped with global positioning
23 systems.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated such sums as

1 may be necessary to carry out the grant program es-
2 tablished under this subsection.

3 (b) INTEROPERABLE COMMUNICATIONS FOR LAW
4 ENFORCEMENT.—

5 (1) FEDERAL LAW ENFORCEMENT.—There are
6 authorized to be appropriated to the Department,
7 the Department of Justice, and the Department of
8 the Interior, during the 5-year period beginning on
9 the date of the enactment of this Act, such sums as
10 may be necessary—

11 (A) to purchase, through a competitive
12 procurement process, P25-compliant radios,
13 which may include a multi-band option, for
14 Federal law enforcement agents working in the
15 Southwest border region in support of the ac-
16 tivities of U.S. Customs and Border Protection
17 and U.S. Immigration and Customs Enforce-
18 ment, including law enforcement agents of the
19 Drug Enforcement Administration, the Bureau
20 of Alcohol, Tobacco, Firearms, and Explosives,
21 the Department of the Interior, and the Forest
22 Service; and

23 (B) to upgrade, through a competitive pro-
24 curement process, the communications network
25 of the Department of Justice to ensure coverage

1 and capacity, particularly when immediate ac-
2 cess is needed in times of crisis, in the South-
3 west border region for appropriate law enforce-
4 ment personnel of the Department of Justice
5 (including the Drug Enforcement Administra-
6 tion and the Bureau of Alcohol, Tobacco, Fire-
7 arms, and Explosives), the Department (includ-
8 ing U.S. Immigration and Customs Enforce-
9 ment and U.S. Customs and Border Protec-
10 tion), the United States Marshals Service, other
11 Federal agencies, the State of Arizona, tribes,
12 and local governments.

13 (2) STATE AND LOCAL LAW ENFORCEMENT.—

14 (A) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There is authorized to be appropriated
16 to the Department of Justice, during the 5-year
17 period beginning on the date of the enactment
18 of this Act, such sums as may be necessary to
19 purchase, through a competitive procurement
20 process, P25-compliant radios, which may in-
21 clude a multi-band option, for State and local
22 law enforcement agents working in the South-
23 west border region.

24 (B) ACCESS TO FEDERAL SPECTRUM.—If
25 a State, tribal, or local law enforcement agency

1 in the Southwest border region experiences an
2 emergency situation that necessitates immediate
3 communication with the Department of Justice,
4 the Department, the Department of the Interior,
5 or any of their respective subagencies,
6 such law enforcement agency shall have access
7 to the spectrum assigned to such Federal agency
8 for the duration of such emergency situation.

9 **SEC. 1108. SOUTHWEST BORDER REGION PROSECUTION**
10 **INITIATIVE.**

11 (a) REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR
12 FEDERALLY INITIATED IMMIGRATION-RELATED CRIMINAL CASES.—The Attorney General shall reimburse
13 State, county, tribal, and municipal governments
14 for costs associated with the prosecution, pre-trial services
15 and detention, clerical support, and public defenders' services
16 associated with the prosecution of federally initiated
17 criminal cases declined by local offices of the United
18 States attorneys.

20 (b) EXCEPTION.—Reimbursement under subsection
21 (a) shall not be available, at the discretion of the Attorney
22 General, if the Attorney General determines that there is
23 reason to believe that the jurisdiction seeking reimbursement
24 has engaged in unlawful conduct in connection with
25 immigration-related apprehensions.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated for each of fiscal years 2014
3 through 2018 such sums as may be necessary to carry
4 out this section.

5 **SEC. 1109. INTERAGENCY COLLABORATION.**

6 The Assistant Secretary of Defense for Research and
7 Engineering shall collaborate with the Under Secretary of
8 Homeland Security for Science and Technology to identify
9 equipment and technology used by the Department of De-
10 fense that could be used by U.S. Customs and Border Pro-
11 tection to improve the security of the Southern border
12 by—

- 13 (1) detecting border tunnels;
- 14 (2) detecting the use of ultralight aircraft;
- 15 (3) enhancing wide aerial surveillance; and
- 16 (4) otherwise improving the enforcement of
17 such border.

18 **SEC. 1110. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.**

19 (a) SCAAP REAUTHORIZATION.—Section
20 241(i)(5)(C) (8 U.S.C. 1231(i)(5)) is amended by striking
21 “2011.” and inserting “2016.”.

22 (b) SCAAP ASSISTANCE FOR STATES.—

23 (1) ASSISTANCE FOR STATES INCARCERATING
24 UNDOCUMENTED ALIENS CHARGED WITH CERTAIN
25 CRIMES.—Section 241(i)(3)(A) (8 U.S.C.

1 1231(i)(3)(A)) is amended by inserting “charged
2 with or” before “convicted”.

3 (2) ASSISTANCE FOR STATES INCARCERATING
4 UNVERIFIED ALIENS.—Section 241(i) (8 U.S.C.
5 1231(i)) is amended—

6 (A) by redesignating paragraphs (4), (5),
7 and (6), as paragraphs (5), (6), and (7), re-
8 spectively;

9 (B) in paragraph (7), as so redesignated,
10 by striking “(5)” and inserting “(6)”; and

11 (C) by adding after paragraph (3) the fol-
12 lowing:

13 “(4) In the case of an alien whose immigration
14 status is unable to be verified by the Secretary of
15 Homeland Security, and who would otherwise be an
16 undocumented criminal alien if the alien is unlaw-
17 fully present in the United States, the Attorney Gen-
18 eral shall compensate the State or political subdivi-
19 sion of the State for incarceration of the alien, con-
20 sistent with subsection (i)(2).”.

21 (3) TIMELY REIMBURSEMENT.—Section 241(i)
22 (8 U.S.C. 1231(i)), as amended by paragraph (2), is
23 further amended by adding at the end the following:

24 “(8) Any funds awarded to a State or a polit-
25 ical subdivision of a State, including a municipality,

1 for a fiscal year under this subsection shall be dis-
2 tributed to such State or political subdivision not
3 later than 120 days after the last day of the applica-
4 tion period for assistance under this subsection for
5 that fiscal year.”.

6 **SEC. 1111. SOUTHERN BORDER SECURITY ASSISTANCE**
7 **GRANTS.**

8 (a) **AUTHORITY.**—

9 (1) **IN GENERAL.**—The Secretary, in consulta-
10 tion with State and local law enforcement agencies,
11 may award border security assistance grants to law
12 enforcement agencies located in the Southwest bor-
13 der region for the purposes described in subsection
14 (b).

15 (2) **PRIORITY.**—In awarding grants under this
16 section, the Secretary shall give priority to law en-
17 forcement agencies located in a county that is lo-
18 cated within 25 miles of the Southern border.

19 (b) **PURPOSES.**—Each grant awarded under sub-
20 section (a) shall be used to address drug trafficking,
21 smuggling, and border violence—

22 (1) by obtaining law enforcement equipment
23 and tools, including secure 2-way communication de-
24 vices, portable laptops and office computers, license
25 plate readers, unmanned aerial vehicles, unmanned

1 aircraft systems, manned aircraft, cameras with
2 night viewing capabilities, and any other appropriate
3 law enforcement equipment;

4 (2) by hiring additional personnel, including ad-
5 ministrative support personnel, dispatchers, and
6 jailers, and to provide overtime pay for such per-
7 sonnel;

8 (3) by purchasing law enforcement vehicles;

9 (4) by providing high performance aircraft and
10 helicopters for border surveillance and other critical
11 mission applications and paying for the operational
12 and maintenance costs associated with such craft;

13 (5) by providing critical power generation sys-
14 tems, infrastructure, and technological upgrades to
15 support State and local data management systems
16 and fusion centers; or

17 (6) by providing specialized training and paying
18 for the direct operating expenses associated with de-
19 tecting and prosecuting drug trafficking, human
20 smuggling, and other illegal activity or violence that
21 occurs at or near the Southern border.

22 (c) APPLICATION.—

23 (1) REQUIREMENT.—A law enforcement agency
24 seeking a grant under subsection (a), or a nonprofit
25 organization or coalition acting as an agent for 1 or

1 more such law enforcement entities, shall submit an
2 application to the Secretary that includes the infor-
3 mation described in paragraph (2) at such time and
4 in such manner as the Secretary may require.

5 (2) CONTENT.—Each application submitted
6 under paragraph (1) shall include—

7 (A) a description of the activities to be car-
8 ried out with a grant awarded under subsection
9 (a);

10 (B) if equipment will be purchased with
11 the grant, a detailed description of—

12 (i) the type and quantity of such
13 equipment; and

14 (ii) the personnel who will be using
15 such equipment;

16 (C) a description of the need of the law en-
17 forcement agency or agencies for the grant, in-
18 cluding a description of the inability of the
19 agency or agencies to carry out the proposed
20 activities without the grant; and

21 (D) an assurance that the agency or agen-
22 cies will, to the extent practicable, seek, recruit,
23 and hire women and members of racial and eth-
24 nic minority groups in law enforcement posi-
25 tions of the agency or agencies.

1 (d) REVIEW AND AWARD.—

2 (1) REVIEW.—Not later than 90 days after re-
3 ceiving an application submitted under subsection
4 (c), the Secretary shall review and approve or reject
5 the application.

6 (2) AWARD OF FUNDS.—Subject to the avail-
7 ability of appropriations, not later than 45 days
8 after the date an application is approved under
9 paragraph (1), the Secretary shall transmit the
10 grant funds to the applicant.

11 (3) PRIORITY.—In distributing grant funds
12 under this subsection, priority shall be given to high-
13 intensity areas for drug trafficking, smuggling, and
14 border violence.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated for each of fiscal years 2014
17 and 2015, \$300,000,000 for grants authorized under this
18 section.

19 **SEC. 1112. USE OF FORCE.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary, in consultation with the
22 Assistant Attorney General for the Civil Rights Division
23 of the Department of Justice, shall issue policies gov-
24 erning the use of force by all Department personnel that—

1 (1) require all Department personnel to report
2 each use of force; and

3 (2) establish procedures for—

4 (A) accepting and investigating complaints
5 regarding the use of force by Department per-
6 sonnel;

7 (B) disciplining Department personnel who
8 violate any law or Department policy relating to
9 the use of force; and

10 (C) reviewing all uses of force by Depart-
11 ment personnel to determine whether the use of
12 force—

13 (i) complied with Department policy;

14 or

15 (ii) demonstrates the need for changes
16 in policy, training, or equipment.

17 **SEC. 1113. TRAINING FOR BORDER SECURITY AND IMMI-**
18 **GRATION ENFORCEMENT OFFICERS.**

19 (a) IN GENERAL.—The Secretary shall ensure that
20 U.S. Customs and Border Protection officers, U.S. Border
21 Patrol agents, U.S. Immigration and Customs Enforce-
22 ment officers and agents, United States Air and Marine
23 Division agents, agriculture specialists, and, in consulta-
24 tion with the Secretary of Defense, National Guard per-
25 sonnel deployed to assist U.S. Customs and Border Pro-

1 tection under section 1103(c)(6)) of this Act, stationed
2 within 100 miles of any land or marine border of the
3 United States or at any United States port of entry receive
4 appropriate training, which shall be prepared in collabora-
5 tion with the Assistant Attorney General for the Civil
6 Rights Division of the Department of Justice, in—

7 (1) identifying and detecting fraudulent travel
8 documents;

9 (2) civil, constitutional, human, and privacy
10 rights of individuals;

11 (3) the scope of enforcement authorities, includ-
12 ing interrogations, stops, searches, seizures, arrests,
13 and detentions;

14 (4) the use of force policies issued by the Sec-
15 retary pursuant to section 1112 of this Act;

16 (5) immigration laws, including screening, iden-
17 tifying, and addressing vulnerable populations, such
18 as children, victims of crime and human trafficking,
19 and individuals fleeing persecution or torture;

20 (6) social and cultural sensitivity toward border
21 communities;

22 (7) the impact of border operations on commu-
23 nities; and

24 (8) any particular environmental concerns in a
25 particular area.

1 (b) TRAINING FOR BORDER COMMUNITY LIAISON
2 OFFICERS.—The Secretary shall ensure that border com-
3 munities liaison officers in U.S. Border Patrol sectors
4 along the Southern border and the Northern border re-
5 ceive training to better—

6 (1) act as a liaison between border communities
7 and the Office for Civil Rights and Civil Liberties of
8 the Department and the Civil Rights Division of the
9 Department of Justice;

10 (2) foster and institutionalize consultation with
11 border communities;

12 (3) consult with border communities on Depart-
13 ment programs, policies, strategies, and directives;
14 and

15 (4) receive Department performance assess-
16 ments from border communities.

17 (c) HUMANE CONDITIONS OF CONFINEMENT FOR
18 CHILDREN IN U.S. CUSTOMS AND BORDER PROTECTION
19 CUSTODY.—Not later than 90 days after the date of the
20 enactment of this Act, the Secretary shall establish stand-
21 ards to ensure that children in the custody of U.S. Cus-
22 toms and Border Protection—

23 (1) are afforded adequate medical and mental
24 health care, including emergency medical and mental
25 health care, if necessary;

- 1 (2) receive adequate nutrition;
- 2 (3) are provided with climate-appropriate cloth-
- 3 ing, footwear, and bedding;
- 4 (4) have basic personal hygiene and sanitary
- 5 products; and
- 6 (5) are permitted to make supervised phone
- 7 calls to family members.

8 **SEC. 1114. DEPARTMENT OF HOMELAND SECURITY BOR-**
9 **DER OVERSIGHT TASK FORCE.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—There is established an inde-
12 pendent task force, which shall be known as the De-
13 partment of Homeland Security Border Oversight
14 Task Force (referred to in this section as the “DHS
15 Task Force”).

16 (2) DUTIES.—The DHS Task Force shall—

17 (A) review and make recommendations re-
18 garding immigration and border enforcement
19 policies, strategies, and programs that take into
20 consideration their impact on border commu-
21 nities;

22 (B) recommend ways in which the Border
23 Communities Liaison Offices can strengthen re-
24 lations and collaboration between communities
25 in the border regions and the Department, the

1 Department of Justice, and other Federal agen-
2 cies that carry out such policies, strategies, and
3 programs;

4 (C) evaluate how the policies, strategies,
5 and programs of Federal agencies operating
6 along the Southern border and the Northern
7 border protect the due process, civil, and
8 human rights of border residents, visitors, and
9 migrants at and near such borders; and

10 (D) evaluate and make recommendations
11 regarding the training of border enforcement
12 personnel described in section 1113 of this Act.

13 (3) MEMBERSHIP.—

14 (A) IN GENERAL.—The DHS Task Force
15 shall be composed of 29 members, appointed by
16 the President, who have expertise in migration,
17 local crime indices, civil and human rights,
18 community relations, cross-border trade and
19 commerce, quality of life indicators, or other
20 pertinent experience, of whom—

21 (i) 12 members shall be from the
22 Northern border region and shall include—

23 (I) 2 local government elected of-
24 ficials;

- 1 (II) 2 local law enforcement offi-
2 cial;
3 (III) 2 civil rights advocates;
4 (IV) 1 business representative;
5 (V) 1 higher education represent-
6 ative;
7 (VI) 1 private land owner rep-
8 resentative;
9 (VII) 1 representative of a faith
10 community; and
11 (VIII) 2 representatives of U.S.
12 Border Patrol; and
13 (ii) 17 members shall be from the
14 Southern border region and include—
15 (I) 3 local government elected of-
16 ficials;
17 (II) 3 local law enforcement offi-
18 cials;
19 (III) 3 civil rights advocates;
20 (IV) 2 business representatives;
21 (V) 1 higher education represent-
22 ative;
23 (VI) 2 private land owner rep-
24 resentatives;

1 (VII) 1 representative of a faith
2 community; and

3 (VIII) 2 representatives of U.S.
4 Border Patrol.

5 (B) TERM OF SERVICE.—Members of the
6 Task Force shall be appointed for the shorter
7 of—

8 (i) 3 years; or

9 (ii) the life of the DHS Task Force.

10 (C) CHAIR, VICE CHAIR.—The members of
11 the DHS Task Force shall elect a Chair and a
12 Vice Chair from among its members, who shall
13 serve in such capacities for the life of the DHS
14 Task Force or until removed by the majority
15 vote of at least 14 members.

16 (b) OPERATIONS.—

17 (1) HEARINGS.—The DHS Task Force may,
18 for the purpose of carrying out its duties, hold hear-
19 ings, sit and act, take testimony, receive evidence,
20 and administer oaths.

21 (2) RECOMMENDATIONS.—The DHS Task
22 Force may make findings or recommendations to the
23 Secretary related to the duties described in sub-
24 section (a)(2).

1 (3) RESPONSE.—Not later than 180 days after
2 receiving findings and recommendations from the
3 DHS Task Force under paragraph (2), the Sec-
4 retary shall issue a response that describes how the
5 Department has addressed, or will address, such
6 findings and recommendations. If the Secretary dis-
7 agrees with any finding of the DHS Task Force, the
8 Secretary shall provide an explanation for the dis-
9 agreement.

10 (4) INFORMATION FROM FEDERAL AGENCIES.—
11 The Chair, or 16 members of the DHS Task Force,
12 may request statistics relating to the duties de-
13 scribed in subsection (a)(2) directly from any Fed-
14 eral agency, which shall, to the extent authorized by
15 law, furnish such information, suggestions, esti-
16 mates, and statistics directly to the DHS Task
17 Force.

18 (5) COMPENSATION.—Members of the DHS
19 Task Force shall serve without pay, but shall be re-
20 imbursed for reasonable travel and subsistence ex-
21 penses incurred in the performance of their duties.

22 (c) REPORT.—Not later than 2 years after its first
23 meeting, the DHS Task Force shall submit to the Presi-
24 dent, the Secretary, and Congress a final report that con-
25 tains—

1 (1) findings with respect to the duties of the
2 DHS Task Force; and

3 (2) recommendations regarding border and im-
4 migration enforcement policies, strategies, and pro-
5 grams, including—

6 (A) a recommendation as to whether the
7 DHS Task Force should continue to operate;
8 and

9 (B) a description of any duties the DHS
10 Task Force should be responsible for after the
11 termination date described in subsection (e).

12 (d) SUNSET.—The DHS Task Force shall terminate
13 operations 60 days after the date on which the DHS Task
14 Force submits the report described in subsection (c).

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated for each of fiscal years
17 2014 through 2017 such sums as may be necessary to
18 carry out this section.

19 **SEC. 1115. OMBUDSMAN FOR IMMIGRATION RELATED CON-**
20 **CERNS OF THE DEPARTMENT OF HOMELAND**
21 **SECURITY.**

22 (a) ESTABLISHMENT.—Title I of the Homeland Se-
23 curity Act of 2002 (6 U.S.C. 111 et seq.) is amended by
24 adding at the end the following new section:

1 **“SEC. 104. OMBUDSMAN FOR IMMIGRATION RELATED CON-**
2 **CERNS.**

3 “(a) IN GENERAL.—There shall be within the De-
4 partment an Ombudsman for Immigration Related Con-
5 cerns (in this section referred to as the ‘Ombudsman’).
6 The individual appointed as Ombudsman shall have a
7 background in immigration law as well as civil and human
8 rights law. The Ombudsman shall report directly to the
9 Deputy Secretary.

10 “(b) FUNCTIONS.—The functions of the Ombudsman
11 shall be as follows:

12 “(1) To receive and resolve complaints from in-
13 dividuals and employers and assist in resolving prob-
14 lems with the immigration components of the De-
15 partment.

16 “(2) To conduct inspections of the facilities or
17 contract facilities of the immigration components of
18 the Department.

19 “(3) To assist individuals and families who
20 have been the victims of crimes committed by aliens
21 or violence near the United States border.

22 “(4) To identify areas in which individuals and
23 employers have problems in dealing with the immi-
24 gration components of the Department.

25 “(5) To the extent practicable, to propose
26 changes in the administrative practices of the immi-

1 gration components of the Department to mitigate
2 problems identified under paragraph (4).

3 “(6) To review, examine, and make rec-
4 ommendations regarding the immigration and en-
5 forcement policies, strategies, and programs of U.S.
6 Customs and Border Protection, U.S. Immigration
7 and Customs Enforcement, and U.S. Citizenship and
8 Immigration Services.

9 “(c) OTHER RESPONSIBILITIES.—In addition to the
10 functions specified in subsection (b), the Ombudsman
11 shall—

12 “(1) monitor the coverage and geographic allo-
13 cation of local offices of the Ombudsman, including
14 appointing a local ombudsman for immigration re-
15 lated concerns; and

16 “(2) evaluate and take personnel actions (in-
17 cluding dismissal) with respect to any employee of
18 the Ombudsman.

19 “(d) REQUEST FOR INVESTIGATIONS.—The Ombuds-
20 man shall have the authority to request the Inspector Gen-
21 eral of the Department of Homeland Security to conduct
22 inspections, investigations, and audits.

23 “(e) COORDINATION WITH DEPARTMENT COMPO-
24 NENTS.—The Director of U.S. Citizenship and Immigra-
25 tion Services, the Assistant Secretary of Immigration and

1 Customs Enforcement, and the Commissioner of Customs
2 and Border Protection shall each establish procedures to
3 provide formal responses to recommendations submitted
4 to such official by the Ombudsman.

5 “(f) ANNUAL REPORTS.—Not later than June 30 of
6 each year, the Ombudsman shall submit a report to the
7 Committee on the Judiciary of the Senate and the Com-
8 mittee on the Judiciary of the House of Representatives
9 on the objectives of the Ombudsman for the fiscal year
10 beginning in such calendar year. Each report shall contain
11 full and substantive analysis, in addition to statistical in-
12 formation, and shall set forth any recommendations the
13 Ombudsman has made on improving the services and re-
14 sponsiveness of U.S. Citizenship and Immigration Serv-
15 ices, U.S. Immigration and Customs Enforcement, and
16 U.S. Customs and Border Protection and any responses
17 received from the Department regarding such rec-
18 ommendations.”.

19 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
20 452 of the Homeland Security Act of 2002 (6 U.S.C. 272)
21 is repealed.

22 (c) CLERICAL AMENDMENTS.—The table of contents
23 for the Homeland Security Act of 2002 is amended—

24 (1) by inserting after the item relating to sec-
25 tion 103 the following new item:

“Sec. 104. Ombudsman for immigration related concerns.”; and

1 (2) by striking the item relating to section 452.

2 **SEC. 1116. PROTECTION OF FAMILY VALUES IN APPREHEN-**
3 **SION PROGRAMS.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPREHENDED INDIVIDUAL.—The term
6 “apprehended individual” means an individual ap-
7 prehended by personnel of the Department of Home-
8 land Security or of a cooperating entity pursuant to
9 a migration deterrence program carried out at a bor-
10 der.

11 (2) BORDER.—The term “border” means an
12 international border of the United States.

13 (3) CHILD.—Except as otherwise specifically
14 provided, the term “child” has the meaning given to
15 the term in section 101(b)(1) of the Immigration
16 and Nationality Act (8 U.S.C. 1101(b)(1)).

17 (4) COOPERATING ENTITY.—The term “cooper-
18 ating entity” means a State or local entity acting
19 pursuant to an agreement with the Secretary.

20 (5) MIGRATION DETERRENCE PROGRAM.—The
21 term “migration deterrence program” means an ac-
22 tion related to the repatriation or referral for pros-
23 ecution of 1 or more apprehended individuals for a
24 suspected or confirmed violation of the Immigration

1 and Nationality Act (8 U.S.C. 1001 et seq.) by the
2 Secretary or a cooperating entity.

3 (b) PROCEDURES FOR MIGRATION DETERRENCE
4 PROGRAMS AT THE BORDER.—In any migration deter-
5 rence program carried out at a border, the Secretary and
6 cooperating entities shall for each apprehended indi-
7 vidual—

8 (1) as soon as practicable after such individual
9 is apprehended—

10 (A) inquire as to whether the apprehended
11 individual is—

12 (i) a parent, legal guardian, or pri-
13 mary caregiver of a child; or

14 (ii) traveling with a spouse or child;
15 and

16 (B) ascertain whether repatriation of the
17 apprehended individual presents any humani-
18 tarian concern or concern related to such indi-
19 vidual's physical safety; and

20 (2) ensure that, with respect to a decision re-
21 lated to the repatriation or referral for prosecution
22 of the apprehended individual, due consideration is
23 given—

24 (A) to the best interests of such individ-
25 ual's child, if any;

1 (B) to family unity whenever possible; and

2 (C) to other public interest factors, includ-

3 ing humanitarian concerns and concerns related

4 to the apprehended individual's physical safety.

5 (c) MANDATORY TRAINING.—The Secretary, in con-

6 sultation with the Secretary of Health and Human Serv-

7 ices, the Attorney General, the Secretary of State, and

8 independent immigration, child welfare, family law, and

9 human rights law experts, shall—

10 (1) develop and provide specialized training for

11 all personnel of U.S. Customs and Border Protection

12 and cooperating entities who come into contact with

13 apprehended individuals in all legal authorities, poli-

14 cies, and procedures relevant to the preservation of

15 a child's best interest, family unity, and other public

16 interest factors, including those described in this

17 Act; and

18 (2) require border enforcement personnel to un-

19 dertake periodic and continuing training on best

20 practices and changes in relevant legal authorities,

21 policies, and procedures pertaining to the preserva-

22 tion of a child's best interest, family unity, and other

23 public interest factors, including those described in

24 this Act.

1 (d) ANNUAL REPORT ON THE IMPACT OF MIGRATION
2 DETERRENCE PROGRAMS AT THE BORDER.—

3 (1) REQUIREMENT FOR ANNUAL REPORT.—Not
4 later than 1 year after the date of the enactment of
5 this Act, and annually thereafter, the Secretary shall
6 submit to Congress a report that describes the im-
7 pact of migration deterrence programs on parents,
8 legal guardians, primary caregivers of a child, indi-
9 viduals traveling with a spouse or child, and individ-
10 uals who present humanitarian considerations or
11 concerns related to the individual's physical safety.

12 (2) CONTENTS.—Each report submitted under
13 paragraph (1) shall include for the previous 1-year
14 period an assessment of—

15 (A) the number of apprehended individuals
16 removed, repatriated, or referred for prosecu-
17 tion who are the parent, legal guardian, or pri-
18 mary caregiver of a child who is a citizen of the
19 United States;

20 (B) the number of occasions in which both
21 parents, or the primary caretaker of such a
22 child was removed, repatriated, or referred for
23 prosecution as part of a migration deterrence
24 program;

1 (C) the number of apprehended individuals
2 traveling with close family members who are re-
3 moved, repatriated, or referred for prosecution;
4 and

5 (D) the impact of migration deterrence
6 programs on public interest factors, including
7 humanitarian concerns and physical safety.

8 (e) REGULATIONS.—Not later than 120 days after
9 the date of the enactment of this Act, the Secretary shall
10 promulgate regulations to implement this section.

11 **SEC. 1117. EMERGENCY PORT OF ENTRY PERSONNEL AND**
12 **INFRASTRUCTURE FUNDING.**

13 (a) STAFF ENHANCEMENTS.—In addition to posi-
14 tions authorized before the date of the enactment of this
15 Act and any existing officer vacancies within U.S. Cus-
16 toms and Border Protection on such date, the Secretary
17 shall, subject to the availability of appropriations for such
18 purpose, hire, train, and assign to duty, by not later than
19 September 30, 2018—

20 (1) 5,000 full-time officers of U.S. Customs and
21 Border Protection to serve—

22 (A) on all inspection lanes (primary, sec-
23 ondary, incoming, and outgoing) and enforce-
24 ment teams at United States land ports of

1 entry on the Northern border and the Southern
2 border; and

3 (B) at airports to implement the biometric
4 entry-exit system in accordance with the re-
5 quirements set forth in section 7208 of the In-
6 telligence Reform and Terrorism Prevention Act
7 of 2004 (8 U.S.C. 1365b); and

8 (2) 350 full-time support staff distributed
9 among all United States ports of entry.

10 (b) WAIVER OF PERSONNEL LIMITATION.—The Sec-
11 retary may waive any limitation on the number of full-
12 time equivalent personnel assigned to the Department in
13 order to fulfill the requirements under subsection (a).

14 (c) REPORTS TO CONGRESS.—

15 (1) OUTBOUND INSPECTIONS.—Not later than
16 90 days after the date of the enactment of this Act,
17 the Secretary shall submit to the appropriate com-
18 mittees of Congress a report containing the Depart-
19 ment's plans for ensuring the placement of sufficient
20 officers of U.S. Customs and Border Protection on
21 outbound inspections, and adequate outbound infra-
22 structure, at all Southern and Northern border land
23 ports of entry.

24 (2) AGRICULTURAL SPECIALISTS.—Not later
25 than 90 days after the date of the enactment of this

1 Act, the Secretary, in consultation with the Sec-
2 retary of Agriculture, shall submit to the appro-
3 priate committees of Congress a report that contains
4 the Department's plans for ensuring the placement
5 of sufficient agriculture specialists at all Southern
6 border and Northern border land ports of entry.

7 (3) ANNUAL IMPLEMENTATION REPORT.—Not
8 later than 1 year after the date of the enactment of
9 this Act, and annually thereafter, the Secretary shall
10 submit to the appropriate committees of Congress a
11 report that—

12 (A) describes in detail the Department's
13 implementation plan for staff enhancements re-
14 quired under subsection (a);

15 (B) includes the number of additional per-
16 sonnel assigned to duty at land ports of entry
17 by location; and

18 (C) describes the methodology used to de-
19 termine the distribution of additional personnel
20 to address northbound and southbound cross-
21 border inspections.

22 (4) APPROPRIATE COMMITTEES OF CON-
23 GRESS.—In this subsection, the term “appropriate
24 committees of Congress” means—

1 (A) the Committee on the Judiciary and
2 the Committee on Homeland Security and Gov-
3 ernmental Affairs of the Senate; and

4 (B) the Committee on the Judiciary and
5 the Committee on Homeland Security of the
6 House of Representatives.

7 (d) SECURE COMMUNICATION.—The Secretary shall
8 ensure that each officer of U.S. Customs and Border Pro-
9 tection is equipped with a secure 2-way communication
10 and satellite-enabled device, supported by system inter-
11 operability, that allows such officers to communicate be-
12 tween ports of entry and inspection stations, and with
13 other Federal, State, local, and tribal law enforcement en-
14 tities.

15 (e) BORDER AREA SECURITY INITIATIVE GRANT
16 PROGRAM.—The Secretary shall establish a grant pro-
17 gram for the purchase of detection equipment at land
18 ports of entry and mobile, hand-held, 2-way communica-
19 tion and biometric devices for State and local law enforce-
20 ment officers serving on the Southern border and North-
21 ern border.

22 (f) PORT OF ENTRY INFRASTRUCTURE IMPROVE-
23 MENTS.—In order to aid in the enforcement of Federal
24 customs, immigration, and agriculture laws, the Commis-
25 sioner of U.S. Customs and Border Protection may—

1 (1) design, construct, and modify United States
2 ports of entry, living quarters for officers, agents,
3 and personnel, and other structures and facilities,
4 including those owned by municipalities, local gov-
5 ernments, or private entities located at land ports of
6 entry;

7 (2) acquire, by purchase, donation, exchange, or
8 otherwise, land or any interest in land determined to
9 be necessary to carry out the Commissioner's duties
10 under this section; and

11 (3) construct additional ports of entry along the
12 Southern border and the Northern border.

13 (g) CONSULTATION.—

14 (1) LOCATIONS FOR NEW PORTS OF ENTRY.—
15 The Secretary shall consult with the Secretary of the
16 Interior, the Secretary of Agriculture, the Secretary
17 of State, the International Boundary and Water
18 Commission, the International Joint Commission,
19 and appropriate representatives of States, local gov-
20 ernments, Indian tribes, and property owners—

21 (A) to determine locations for new ports of
22 entry; and

23 (B) to minimize adverse impacts from such
24 ports on the environment, historic and cultural
25 resources, commerce, and quality of life for the

1 communities and residents located near such
2 ports.

3 (2) SAVINGS PROVISION.—Nothing in this sub-
4 section may be construed—

5 (A) to create any right or liability of the
6 parties described in paragraph (1);

7 (B) to affect the legality and validity of
8 any determination under this Act by the Sec-
9 retary; or

10 (C) to affect any consultation requirement
11 under any other law.

12 (h) AUTHORITY TO ACQUIRE LEASEHOLDS.—Not-
13 withstanding any other provision of law, the Secretary
14 may acquire a leasehold interest in real property, and may
15 construct or modify any facility on the leased property,
16 if the Secretary determines that the acquisition of such
17 interest, and such construction or modification, are nec-
18 essary to facilitate the implementation of this Act.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section,
21 for each of the fiscal years 2014 through 2018,
22 \$1,000,000,000, of which \$5,000,000 shall be used for
23 grants authorized under subsection (e).

24 (j) OFFSET; RESCISSION OF UNOBLIGATED FED-
25 ERAL FUNDS.—

1 (1) IN GENERAL.—There is hereby rescinded,
2 from appropriated discretionary funds that remain
3 available for obligation as of the date of the enact-
4 ment of this Act (other than the unobligated funds
5 described in paragraph (4)), amounts determined by
6 the Director of the Office of Management and Budg-
7 et such that the aggregate amount of the rescission
8 equals the amount authorized to be appropriated
9 under subsection (i).

10 (2) IMPLEMENTATION.—The Director of the
11 Office of Management and Budget shall determine
12 and identify—

13 (A) the appropriation accounts from which
14 the rescission under paragraph (1) shall apply;
15 and

16 (B) the amount of the rescission that shall
17 be applied to each such account.

18 (3) REPORT.—Not later than 60 days after the
19 date of the enactment of this Act, the Director of
20 the Office of Management and Budget shall submit
21 a report to Congress and to the Secretary of the
22 Treasury that describes the accounts and amounts
23 determined and identified under paragraph (2) for
24 rescission under paragraph (1).

1 (4) EXCEPTIONS.—This subsection shall not
2 apply to unobligated funds of—

3 (A) the Department of Defense;

4 (B) the Department of Veterans Affairs; or

5 (C) the Department of Homeland Security.

6 **SEC. 1118. CROSS-BORDER TRADE ENHANCEMENT.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATION.—The term “Administra-
9 tion” means the General Services Administration.

10 (2) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the General
12 Services Administration.

13 (3) PERSON.—The term “person” means an in-
14 dividual or any corporation, partnership, trust, asso-
15 ciation, or any other public or private entity, includ-
16 ing a State or local government.

17 (b) AGREEMENTS AUTHORIZED.—Notwithstanding
18 any other provision of law, upon the request of any per-
19 sons, the Administrator may, for purposes of facilitating
20 construction, alteration, operation or maintenance of a
21 new or existing facility or other infrastructure at a port
22 of entry, enter into cost-sharing or reimbursement agree-
23 ments or accept a donation of real and personal property
24 (including monetary donations) and nonpersonal services.

25 (c) EVALUATION PROCEDURES.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Ad-
3 ministrator, in consultation with the Secretary, shall
4 establish procedures for evaluating a proposal sub-
5 mitted by any person under subsection (b)—

6 (A) to enter into a cost-sharing or reim-
7 bursement agreement with the Administration
8 to facilitate the construction, alteration, oper-
9 ation, or maintenance of a new or existing facil-
10 ity or other infrastructure at a land border port
11 of entry; or

12 (B) to provide the Administration with a
13 donation of real and personal property (includ-
14 ing monetary donations) and nonpersonal serv-
15 ices to be used in the construction, alteration,
16 operation, or maintenance of a facility or other
17 infrastructure at a land border port of entry
18 under the control of the Administration.

19 (2) SPECIFICATION.—Donations made under
20 paragraph (1)(B) may specify—

21 (A) the land port of entry facility or facili-
22 ties in support of which the donation is being
23 made; and

24 (B) the time frame in which the donated
25 property or services shall be used.

1 (3) RETURN OF DONATION.—If the Adminis-
2 trator does not use the property or services donated
3 pursuant to paragraph (1)(B) for the specific facility
4 or facilities designated pursuant to paragraph (2)(A)
5 or within the time frame specified pursuant to para-
6 graph (2)(B), such donated property or services
7 shall be returned to the person that made the dona-
8 tion.

9 (4) DETERMINATION AND NOTIFICATION.—

10 (A) IN GENERAL.—Not later than 90 days
11 after receiving a proposal pursuant to sub-
12 section (b) with respect to the construction or
13 maintenance of a facility or other infrastructure
14 at a land border port of entry, the Adminis-
15 trator shall—

16 (i) make a determination with respect
17 to whether or not to approve the proposal;
18 and

19 (ii) notify the person that submitted
20 the proposal of—

21 (I) the determination; and

22 (II) if the Administrator did not
23 approve the proposal, the reasons for
24 such disapproval.

1 (B) CONSIDERATIONS.—In determining
2 whether or not to approve a proposal under this
3 subsection, the Administrator shall consider—

4 (i) the impact of the proposal on re-
5 ducing wait times at that port of entry and
6 other ports of entry on the same border;

7 (ii) the potential of the proposal to in-
8 crease trade and travel efficiency through
9 added capacity; and

10 (iii) the potential of the proposal to
11 enhance the security of the port of entry.

12 (d) DELEGATION.—For facilities where the Adminis-
13 trator has delegated or transferred to the Secretary, oper-
14 ations, ownership, or other authorities over land border
15 ports of entry, the authorities and requirements of the Ad-
16 ministrator under this section shall be deemed to apply
17 to the Secretary.

18 **SEC. 1119. HUMAN TRAFFICKING REPORTING.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Human Trafficking Reporting Act of 2013”.

21 (b) FINDINGS.—Congress finds the following:

22 (1) Human trafficking is a form of modern-day
23 slavery.

1 (2) According to the Trafficking Victims Pro-
2 tection Act of 2000 “severe forms of trafficking in
3 persons” means—

4 (A) sex trafficking in which a commercial
5 sex act is induced by force, fraud, or coercion,
6 or in which the person induced to perform such
7 act has not attained 18 years of age; or

8 (B) the recruitment, harboring, transpor-
9 tation, provision, or obtaining of a person for
10 labor or services, through the use of force,
11 fraud, or coercion for the purpose of subjection
12 to involuntary servitude, peonage, debt bondage,
13 or slavery.

14 (3) There is an acute need for better data col-
15 lection of incidents of human trafficking across the
16 United States in order to effectively combat severe
17 forms of trafficking in persons.

18 (4) The State Department’s 2012 Trafficking
19 in Persons report found that—

20 (A) the United States is a “source, transit
21 and destination country for men, women, and
22 children, subjected to forced labor, debt bond-
23 age, domestic servitude and sex trafficking,”;
24 and

1 (B) the United States needs to “improve
2 data collection on human trafficking cases at
3 the Federal, state and local levels”.

4 (5) The International Organization for Migra-
5 tion has reported that in order to effectively combat
6 human trafficking there must be reliable and stand-
7 ardized data, however, the following barriers for
8 data collection exist:

9 (A) The illicit and underground nature of
10 human trafficking.

11 (B) The reluctance of victims to share in-
12 formation with authorities.

13 (C) Insufficient human trafficking data
14 collection and research efforts by governments
15 world wide.

16 (6) A 2009 report to the Department of Health
17 and Human Services entitled Human Trafficking
18 Into and Within the United States: A Review of the
19 Literature found that “the data and methodologies
20 for estimating the prevalence of human trafficking
21 globally and nationally are not well developed, and
22 therefore estimates have varied widely and changed
23 significantly over time”.

1 (7) The Federal Bureau of Investigation com-
2 piles national crime statistics through the Uniform
3 Crime Reporting Program.

4 (8) Under current law, State and local govern-
5 ments receiving Edward Byrne Memorial Justice As-
6 sistance grants are required to share data on part
7 1 violent crimes with the Federal Bureau of Inves-
8 tigation for inclusion in the Uniform Crime Report-
9 ing Program.

10 (9) The addition of severe forms of trafficking
11 in persons to the definition of part 1 violent crimes
12 will ensure that statistics on this heinous crime will
13 be compiled and available through the Federal Bu-
14 reau of Investigation's Uniform Crime Report.

15 (c) HUMAN TRAFFICKING TO BE INCLUDED IN PART
16 1 VIOLENT CRIMES FOR PURPOSES OF BYRNE GRANTS.—
17 Section 505 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3755) is amended by add-
19 ing at the end the following new subsection:

20 “(i) PART 1 VIOLENT CRIMES TO INCLUDE HUMAN
21 TRAFFICKING.—For purposes of this section, the term
22 ‘part 1 violent crimes’ shall include severe forms of traf-
23 ficking in persons, as defined in section 103 of the Traf-
24 ficking Victims Protection Act of 2000 (22 U.S.C.
25 7102).”.

1 **SEC. 1120. PROHIBITION ON LAND BORDER CROSSING**
2 **FEES.**

3 The Secretary shall not establish, collect, or otherwise
4 impose a border crossing fee for pedestrians or passenger
5 vehicles at land ports of entry along the Southern border
6 or the Northern border, nor conduct any study relating
7 to the imposition of such a fee.

8 **SEC. 1121. DELEGATION.**

9 The Secretary may delegate any authority provided
10 to the Secretary under this Act or an amendment made
11 by this Act to the Secretary of Agriculture, the Attorney
12 General, the Secretary of Defense, the Secretary of Health
13 and Human Services, the Secretary of State, or the Com-
14 missioner of Social Security.

15 **SEC. 1122. SEVERABILITY.**

16 If any provision of this Act or any amendment made
17 by this Act, or any application of such provision or amend-
18 ment to any person or circumstance, is held to be uncon-
19 stitutional, the remainder of the provisions of this Act and
20 the amendments made by this Act and the application of
21 the provision or amendment to any other person or cir-
22 cumstance shall not be affected.

23 **SEC. 1123. RULE OF CONSTRUCTION.**

24 Nothing in this Act may be construed to authorize
25 the deployment, procurement, or construction of fencing
26 along the Northern border.

1 On page 1008, strike line 18 and all that follows
2 through page 1009, line 22, and insert the following:

3 “(2) REQUIRED DISCLOSURES.—The Secretary
4 shall provide the information furnished in an appli-
5 cation filed under section 245B, 245C, 245D, or
6 245F or section 2211 of the Border Security, Eco-
7 nomic Opportunity, and Immigration Modernization
8 Act, and any other information derived from such
9 furnished information to—

10 “(A) a law enforcement agency, intel-
11 ligence agency, national security agency, a com-
12 ponent of the Department of Homeland Secu-
13 rity, court, or grand jury, in each instance
14 about an individual suspect or group of sus-
15 pects, consistent with law, in connection with—

16 “(i) a criminal investigation or pros-
17 ecution;

18 “(ii) a national security investigation
19 or prosecution; or

20 “(iii) a duly authorized investigation
21 of a civil violation; and

22 “(B) an official coroner for purposes of af-
23 firmatively identifying a deceased individual,
24 whether or not the death of such individual re-
25 sulted from a crime.

1 “(3) INAPPLICABILITY AFTER DENIAL.—The
2 limitations set forth in paragraph (1)—

3 “(A) shall apply only until—

4 “(i) an application filed under section
5 245B, 245C, 245D, or 245F or section
6 2211 of the Border Security, Economic
7 Opportunity, and Immigration Moderniza-
8 tion Act is denied; and

9 “(ii) all opportunities for administra-
10 tive appeal of the denial have been ex-
11 hausted; and

12 “(B) shall not apply to the use of the in-
13 formation furnished pursuant to such applica-
14 tion in any removal proceeding or other crimi-
15 nal or civil case or action relating to an alien
16 whose application has been granted that is
17 based upon any violation of law committed or
18 discovered after such grant.

19 “(4) CRIMINAL CONVICTIONS.—Notwith-
20 standing any other provision of this section, infor-
21 mation concerning whether the applicant has, at any
22 time, been convicted of a crime may be used or re-
23 leased for immigration enforcement and law enforce-
24 ment purposes.

1 “(5) AUDITING AND EVALUATION OF INFORMA-
2 TION.—The Secretary may—

3 “(A) audit and evaluate information fur-
4 nished as part of any application filed under
5 section 245B, 245C, 245D, or 245F for pur-
6 poses of identifying immigration fraud or fraud
7 schemes; and

8 “(B) use any evidence detected by means
9 of audits and evaluations for purposes of inves-
10 tigating, prosecuting, referring for prosecution,
11 or denying or terminating immigration benefits.

12 “(6) USE OF INFORMATION IN PETITIONS AND
13 APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF
14 STATUS.—If the Secretary has adjusted an alien’s
15 status to that of an alien lawfully admitted for per-
16 manent residence pursuant to section 245C, 245D,
17 or 245F, the Secretary, at any time thereafter, may
18 use the information furnished by the alien in the ap-
19 plication for adjustment of status or in an applica-
20 tion for status under section 245B, 245C, 245D, or
21 245F to make a determination on any petition or
22 application.

23 “(7) CONSTRUCTION.—Nothing in this section
24 may be construed to limit the use or release, for im-
25 migration enforcement purposes, of information con-

1 tained in files or records of the Secretary or the At-
2 torney General pertaining to applications filed under
3 section 245B, 245C, 245D, or 245F other than in-
4 formation furnished by an applicant in the applica-
5 tion, or any other information derived from the ap-
6 plication, that is not available from any other
7 source.

8 Beginning on page 945, strike line 21 and all that
9 follows through page 946, line 12 and insert the following:

10 “(III) an offense, unless the ap-
11 plicant demonstrates, by clear and
12 convincing evidence, that he or she is
13 innocent of the offense, that he or she
14 is the victim of such offense, or that
15 no offense occurred, which is classified
16 as a misdemeanor in the convicting
17 jurisdiction which involved—

18 “(aa) domestic violence (as
19 defined in section 40002(a) of
20 the Violence Against Women Act
21 of 1994 (42 U.S.C. 13925(a));

22 “(bb) child abuse and ne-
23 glect (as defined in section
24 40002(a) of the Violence Against

1 Women Act of 1994 (42 U.S.C.
2 13925(a));

3 “(cc) assault resulting in
4 bodily injury (as defined in sec-
5 tion 2266 of title 18, United
6 States Code);

7 “(dd) the violation of a pro-
8 tection order (as defined in sec-
9 tion 2266 of title 18, United
10 States Code); or

11 “(ee) driving while intoxi-
12 cated (as defined in section 164
13 of title 23, United States Code);

14 “(IV) 3 or more misdemeanor of-
15 fenses (other than minor traffic of-
16 fenses or State or local offenses for
17 which an essential element was the
18 alien’s immigration status, or a viola-
19 tion of this Act);

20 “(V) any offense under foreign
21 law, except for a purely political of-
22 fense, which, if the offense had been
23 committed in the United States,
24 would render the alien inadmissible
25 under section 212(a) (excluding the

1 paragraphs set forth in clause (ii)) or
2 removable under section 237(a), ex-
3 cept as provided in paragraph (3) of
4 section 237(a); or

5 On page 948, beginning on line 14, strike “subpara-
6 graph (A)(i)(III) or”.

7 On page 955, strike lines 1 through 5 and insert the
8 following:

9 “(C) INTERVIEW.—in order to determine
10 whether an applicant meets the eligibility re-
11 quirements set forth in subsection (b), the Sec-
12 retary—

13 “(i) shall interview each such an ap-
14 plicant who—

15 “(I) has convicted of any crimi-
16 nal offense;

17 “(II) has previously been de-
18 ported; or

19 “(III) without just cause, has
20 failed to respond to a notice to appear
21 as required under section 239 ; and

22 “(ii) may, in the Secretary’s sole dis-
23 cretion, interview any other applicant for

1 registered provisional immigrant status
2 under this section.

3 Beginning on page 956 strike line 7 and all that fol-
4 lows through page 961, line 13.

5 Beginning on page 1014, strike line 1 and all that
6 follows through page 1020, line 2.

7 After section 2009 insert the following:

8 **SEC. 2110. VISA INFORMATION SHARING.**

9 Section 222(f) (8 U.S.C. 1202(f)) is amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “issuance or refusal” and inserting
12 “issuance, refusal, or revocation”; and

13 (2) in paragraph (2)—

14 (A) in the matter preceding subparagraph
15 (A), by striking “discretion and on the basis of
16 reciprocity,” and inserting “discretion,”;

17 (B) by amending subparagraph (A) to read
18 as follows:

19 “(A) with regard to individual aliens, at
20 any time on a case-by-case basis for the pur-
21 pose of—

1 “(i) preventing, investigating, or pun-
2 ishing acts that would constitute a crime
3 in the United States, including, but not
4 limited to, terrorism or trafficking in con-
5 trolled substances, persons, or illicit weap-
6 ons; or

7 “(ii) determining a person’s remov-
8 ability or eligibility for a visa, admission,
9 or other immigration benefit;”; and

10 (C) in subparagraph (B)—

11 (i) by striking “for the purposes” and
12 inserting “for one of the purposes”; and

13 (ii) by striking “or to deny visas to
14 persons who would be inadmissible to the
15 United States.” and inserting “; or”; and

16 (D) by adding at the end the following:

17 “(C) with regard to any or all aliens in the
18 database-specified data elements from each
19 record, if the Secretary of State determines that
20 it is in the national interest to provide such in-
21 formation to a foreign government.”.

22 On page 1579, line 11, by inserting “less than 5
23 years nor” after “not”.

1 On page 1579, line 15, by inserting “not less than
2 10” after “years”; and

3 On page 1579, between lines 15 and 16, insert the
4 following:

5 “(8) in the case of a violation that is the third
6 or more subsequent offense committed by such per-
7 son under this section or section 1324, shall be fined
8 under title 18, imprisoned not less than 5 years nor
9 more than 40 years, or both; or

10 “(9) in the case of a violation that negligently,
11 recklessly, knowingly, or intentionally results in a
12 victim being involuntarily forced into labor or pros-
13 titution, shall be fined under title 18, imprisoned not
14 less than 5 years nor more than 40 years, or both.

15 On page 1582, between lines 14 and 15 insert the
16 following:

17 (d) TARGETING TRANSNATIONAL CRIMINAL ORGANI-
18 ZATIONS THAT ENGAGE IN MONEY LAUNDERING.—Sec-
19 tion 1956(c)(7) of title 18, United States Code is amend-
20 ed—

21 (1) in subparagraph (E), by striking “or” after
22 the semicolon;

1 (2) in subparagraph (F), by inserting “or”
2 after the semicolon; and

3 (3) by adding at the end the following—

4 “(G) any act which is indictable under the
5 Immigration and Nationality Act (8 U.S.C.
6 1101 et seq.), including section 274 of such Act
7 (relating to bringing in and harboring certain
8 aliens), section 277 of such Act (relating to aid-
9 ing or assisting certain aliens to enter the
10 United States), or section 278 of such Act (re-
11 lating to importation of an alien for immoral
12 purpose);”.

13 **SEC. 3713. DANGEROUS HUMAN SMUGGLING, HUMAN TRAF-**
14 **FICKING, AND HUMAN RIGHTS VIOLATIONS.**

15 (a) BRINGING IN AND HARBORING CERTAIN
16 ALIENS.—Section 274 (8 U.S.C. 1324) is amended—

17 (1) in subsection (a)(1)(B)—

18 (A) by redesignating clauses (iii) and (iv)
19 as clauses (vi) and (vii), respectively;

20 (B) by inserting after clause (ii) the fol-
21 lowing:

22 “(iii) in the case of a violation of subparagraph
23 (A)(i), (ii), (iii), (iv), or (v) that is the third or sub-
24 sequent offense committed by such person under this

1 section, shall be fined under title 18, imprisoned not
2 less than 5 years nor more than 25 years, or both;

3 “(iv) in the case of a violation of subparagraph
4 (A)(i), (ii), (iii), (iv), or (v) that negligently, reck-
5 lessly, knowingly, or intentionally results in a victim
6 being involuntarily forced into labor or prostitution,
7 shall be fined under title 18, imprisoned not less
8 than 5 years nor more than 25 years, or both;

9 “(v) in the case of a violation of subparagraph
10 (A)(i),(ii),(iii),(iv),or(v) during and in relation to
11 which any person is subjected to an involuntary sex-
12 ual act (as defined in section 2246(2) of title 18),
13 be fined under title 18, imprisoned for not less than
14 5 years, nor more than 25 years, or both;” and

15 (C) in clause (vi), as redesignated, by
16 striking inserting “and not less than 10” before
17 “years”; and

18 (2) by amending subsection (b)(1) to read as
19 follows:

20 “(1) IN GENERAL.—Any property, real or per-
21 sonal, involved in or used to facilitate the commis-
22 sion of a violation or attempted violation of sub-
23 section (a) of this section, the gross proceeds of such
24 violation or attempted violation, and any property

1 traceable to such property or proceeds, shall be
2 seized and subject to forfeiture.”.

3 **SEC. 3714. RESPECT FOR VICTIMS OF HUMAN SMUGGLING.**

4 (a) VICTIM REMAINS.—The Attorney General shall
5 appoint an official to ensure that information regarding
6 missing aliens and unidentified remains found in the cov-
7 ered area are included in a database of the National Miss-
8 ing and Unidentified Persons System.

9 (b) REIMBURSEMENT.—The Secretary shall reim-
10 burse county, municipal, and tribal governments in the
11 United States that are located in the covered area for
12 costs associated with the transportation and processing of
13 unidentified remains, found in the desert or on ranch
14 lands, on the condition that the remains are transferred
15 either to an official medical examiner’s office, or a local
16 university with the capacity to analyze human remains
17 using forensic best practices.

18 (c) BORDER CROSSING DATA.—The National Insti-
19 tute of Justice shall encourage genetic laboratories receiv-
20 ing Federal grant monies to process samples from uniden-
21 tified remains discovered within the covered area and com-
22 pare the resulting genetic profiles against samples from
23 the relatives of any missing individual, including those
24 provided by foreign consulates or authorized entities.

1 (d) COVERED AREA DEFINED.—In this section, the
2 term “covered area” means the area of United States
3 within 200 miles of the international border between the
4 United States and Mexico.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as may be
7 necessary for each of the fiscal years 2014 through 2018
8 to carry out this section.

9 **SEC. 3715. PUTTING THE BRAKES ON HUMAN SMUGGLING**
10 **ACT.**

11 (a) SHORT TITLE.—This section may be cited as the
12 “Putting the Brakes on Human Smuggling Act”.

13 (b) FIRST VIOLATION.—Paragraph (1) of section
14 31310(b) of title 49, United States Code, is amended—

15 (1) in subparagraph (D), by striking the “or”
16 at the end;

17 (2) in subparagraph (E), by striking the period
18 at the end and inserting a semicolon and “or”; and

19 (3) by adding at the end the following:

20 “(F) using a commercial motor vehicle in
21 willfully aiding or abetting an alien’s illegal
22 entry into the United States by transporting,
23 guiding, directing, or attempting to assist the
24 alien with the alien’s entry in violation of sec-
25 tion 275 of the Immigration and Nationality

1 Act (8 U.S.C. 1325), regardless of whether the
2 alien is ultimately fined or imprisoned for an
3 act in violation of such section.”.

4 (c) SECOND OR MULTIPLE VIOLATIONS.—Paragraph
5 (1) of section 31310(c) of title 49, United States Code,
6 is amended—

7 (1) in subparagraph (E), by striking the “or”
8 at the end;

9 (2) by redesignating subparagraph (F) as sub-
10 paragraph (G);

11 (3) in subparagraph (G), as so redesignated, by
12 striking “(E)” and inserting “(F)”; and

13 (4) by inserting after subparagraph (E) the fol-
14 lowing:

15 “(F) using a commercial motor vehicle on
16 more than one occasion in willfully aiding or
17 abetting an alien’s illegal entry into the United
18 States by transporting, guiding, directing and
19 attempting to assist the alien with alien’s entry
20 in violation of section 275 of the Immigration
21 and Nationality Act (8 U.S.C. 1325), regardless
22 of whether the alien is ultimately fined or im-
23 prisoned for an act in violation of such section;
24 or”.

1 (d) LIFETIME DISQUALIFICATION.—Subsection (d)
2 of section 31310 of title 49, United States Code, is amend-
3 ed to read as follows:

4 “(d) LIFETIME DISQUALIFICATION.—The Secretary
5 shall disqualify from operating a commercial motor vehicle
6 for life an individual who uses a commercial motor vehi-
7 cle—

8 “(1) in committing a felony involving manufac-
9 turing, distributing, or dispensing a controlled sub-
10 stance, or possessing with the intent to manufacture,
11 distribute, or dispense a controlled substance; or

12 “(2) in committing an act for which the indi-
13 vidual is convicted under—

14 “(A) section 274 of the Immigration and
15 Nationality Act (8 U.S.C. 1324); or

16 “(B) section 277 of such Act (8 U.S.C.
17 1327).”.

18 (e) REPORTING REQUIREMENTS.—

19 (1) COMMERCIAL DRIVER’S LICENSE INFORMA-
20 TION SYSTEM.—Paragraph (1) of section 31309(b)
21 of title 49, United States Code, is amended—

22 (A) in subparagraph (E), by striking
23 “and” at the end;

1 (B) in subparagraph (F), by striking the
2 period at the end and inserting a semicolon and
3 “and”; and

4 (C) by adding at the end the following new
5 subparagraph:

6 “(G) whether the operator was disquali-
7 fied, either temporarily or for life, from oper-
8 ating a commercial motor vehicle under section
9 31310, including under subsection (b)(1)(F),
10 (c)(1)(F), or (d) of such section.”.

11 (2) NOTIFICATION BY THE STATE.—Paragraph
12 (8) of section 31311(a) of title 49, United States
13 Code, is amended by inserting “including such a dis-
14 qualification, revocation, suspension, or cancellation
15 made pursuant to a disqualification under subsection
16 (b)(1)(F), (c)(1)(F), or (d) of section 31310,” after
17 “60 days,”.

18 **SEC. 3716. DRUG TRAFFICKING AND CRIMES OF VIOLENCE.**

19 (1) IN GENERAL.—Title 18, United States
20 Code, is amended by inserting after chapter 51 the
21 following:

22 **“CHAPTER 52—DRUG TRAFFICKING AND**
23 **CRIMES OF VIOLENCE COMMITTED BY**
24 **ILLEGAL ALIENS**

“Sec.

“1131. Enhanced penalties for drug trafficking and crimes committed by illegal
aliens.

1 **“§ 1131 Enhanced penalties for drug trafficking and**
 2 **crimes committed by illegal aliens**

3 “(a) IN GENERAL.—Any alien unlawfully present in
 4 the United States, who commits, or conspires or attempts
 5 to commit, a crime of violence or a drug trafficking crime
 6 (as defined in section 924), shall be fined under this title
 7 and sentenced to not less than 5 years in prison.

8 “(b) ENHANCE PENALTIES FOR ALIENS ORDERED
 9 REMOVED.—If an alien who violates subsection (a) was
 10 previously ordered removed under the Immigration and
 11 Nationality Act (8 U.S.C. 1101 et seq.) on the grounds
 12 of having committed a crime, the alien shall be sentenced
 13 to not less than 15 years in prison.

14 “(c) REQUIREMENT FOR CONSECUTIVE SEN-
 15 TENCES.—A sentence of imprisonment imposed under this
 16 section shall run consecutively to any other sentence of
 17 imprisonment imposed for any other crime.”.

18 (2) CLERICAL AMENDMENT.—The table of
 19 chapters at the beginning of part I of title 18,
 20 United States Code, is amended by inserting after
 21 the item relating to chapter 51 the following:

“52. Drug Trafficking and Crimes of Violence Committed by Illegal
 Aliens 1131”.

1 **SEC. 3717. ILLEGAL BORDER CROSSING FOR THE PURPOSE**
2 **OF TERRORISM.**

3 Section 275(a) (8 U.S.C. 1325(a)) is amended to
4 read as follows:

5 “(a) IMPROPER TIME OR PLACE; AVOIDANCE OF EX-
6 AMINATION OR INSPECTION; MISREPRESENTATION AND
7 CONCEALMENT OF FACTS.—

8 “(1) IN GENERAL.—Except as provided under
9 paragraph (2), any alien who—

10 “(A) enters or attempts to enter the
11 United States at any time or place other than
12 as designated by immigration officers;

13 “(B) eludes examination or inspection by
14 immigration officers; or

15 “(C) attempts to enter or obtains entry to
16 the United States by a willfully false or mis-
17 leading representation or the willful conceal-
18 ment of a material fact, shall, for the first com-
19 mission of any such offense, be fined under title
20 18, United States Code, imprisoned for not
21 more than 6 months, or both, and, for a subse-
22 quent commission of any such offense, be fined
23 under such title 18, imprisoned for not more
24 than 2 years, or both.

25 “(2) ENHANCED PENALTIES.—Any alien who
26 commits an offense described in paragraph (1) with

1 the intent to aid, abet, or engage in any Federal
2 crime of terrorism (as defined in section 2332b(f) of
3 title 18, United States Code) shall be imprisoned for
4 not less than 15 years and not more than 30
5 years.”.

6 **SEC. 3718. FREEZING BANK ACCOUNTS OF INTERNATIONAL**
7 **CRIMINAL ORGANIZATIONS AND MONEY**
8 **LAUNDERERS.**

9 Section 981(b) of title 18, United States Code, is
10 amended by adding at the end the following:

11 “(5)(A) If a person is arrested or charged in connec-
12 tion with an offense described in subparagraph (C) involv-
13 ing the movement of funds into or out of the United
14 States, the Attorney General may apply to any Federal
15 judge or magistrate judge in the district in which the ar-
16 rest is made or where the charges are filed for an ex parte
17 order restraining any account held by the person arrested
18 or charged for not more than 30 days, except that such
19 30-day time period may be extended for good cause shown
20 at a hearing conducted in the manner provided in Rule
21 43(e) of the Federal Rules of Civil Procedure. The court
22 may receive and consider evidence and information sub-
23 mitted by the Government that would be inadmissible
24 under the Federal Rules of Evidence.

1 “(B) The application for the restraining order re-
2 ferred to in subparagraph (A) shall—

3 “(i) identify the offense for which the person
4 has been arrested or charged;

5 “(ii) identify the location and description of the
6 accounts to be restrained; and

7 “(iii) state that the restraining order is needed
8 to prevent the removal of the funds in the account
9 by the person arrested or charged, or by others asso-
10 ciated with such person, during the time needed by
11 the Government to conduct such investigation as
12 may be necessary to establish whether there is prob-
13 able cause to believe that the funds in the accounts
14 are subject to forfeiture in connection with the com-
15 mission of any criminal offense.

16 “(C) A restraining order may be issued pursuant to
17 subparagraph (A) if a person is arrested or charged with
18 any offense for which forfeiture is authorized under this
19 title, title 31, or the Controlled Substances Act (21 U.S.C.
20 801 et seq.).

21 “(D) For purposes of this section—

22 “(i) the term ‘account’ includes any safe deposit
23 box and any account (as defined in paragraphs (1)
24 and (2) of section 5318A(e) of title 31, United
25 States Code) at any financial institution; and

1 “(ii) the term ‘account held by the person ar-
2 rested or charged’ includes an account held in the
3 name of such person, and any account over which
4 such person has effective control as a signatory or
5 otherwise.

6 “(E) Restraint pursuant to this paragraph shall not
7 be deemed a ‘seizure’ for purposes of subsection 983(a)
8 of this title.

9 “(F) A restraining order issued pursuant to this
10 paragraph may be executed in any district in which the
11 subject account is found, or transmitted to the central au-
12 thority of any foreign State for service in accordance with
13 any treaty or other international agreement.”.

14 **SEC. 3719. CRIMINAL PROCEEDS LAUNDERED THROUGH**
15 **PREPAID ACCESS DEVICES, DIGITAL CUR-**
16 **RENCIES, OR OTHER SIMILAR INSTRUMENTS.**

17 (a) IN GENERAL.—Section 5312(a) of title 31,
18 United States Code, is amended—

19 (1) by striking paragraph (2)(K) and inserting
20 the following:

21 “(K) an issuer, redeemer, or cashier or
22 travelers’ checks, checks, money orders, prepaid
23 access devices, digital currencies, or other simi-
24 lar instruments;”;

1 (2) in paragraph (3)(B), by inserting “prepaid
2 access devices,” after “delivery,”;

3 (3) by redesignating paragraph (6) as para-
4 graph (7); and

5 (4) by inserting after paragraph (5) the fol-
6 lowing:

7 “(6) ‘prepaid access device’ means an electronic
8 device or vehicle, such as a card, plate, code, num-
9 ber, electronic serial number, mobile identification
10 number, personal identification number, or other in-
11 strument that provides a portal to funds or the value
12 of funds that have been paid in advance and can be
13 retrievable and transferable at some point in the fu-
14 ture.”.

15 (b) GAO REPORT.—Not later than 18 months after
16 the date of enactment of this Act, the Comptroller General
17 of the United States shall submit to Congress a report
18 on—

19 (1) the impact the amendments made by sub-
20 section (a) has had on law enforcement, the prepaid
21 access industry, and consumers; and

22 (2) the implementation and enforcement by the
23 Department of Treasury of the final rule on Defini-
24 tions and Other Regulations Relating to Prepaid Ac-
25 cess (76 Fed. Reg. 45403), issued July 26, 2011.

1 (c) CUSTOMS AND BORDER PROTECTION STRATEGY
2 FOR PREPAID ACCESS DEVICES.—Not later than 18
3 months after the date of enactment of this Act, the Sec-
4 retary of Homeland Security, in consultation with the
5 Commission of the U.S. Customs and Border Protection,
6 shall submit to Congress a report detailing a strategy to
7 interdict and detect prepaid access devices, digital cur-
8 rencies, or other similar instruments, at border crossings
9 and other ports of entry for the United States. The report
10 shall include an assessment of infrastructure needs to
11 carry out the strategy detailed in the report.

12 **SEC. 3720. FIGHTING MONEY SMUGGLING THROUGH BLANK**
13 **CHECKS IN BEARER FORM.**

14 Section 5316 of title 31, United States Code, is
15 amended by adding at the end the following:

16 “(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT
17 BLANK.—For purposes of this section, a monetary instru-
18 ment in bearer form that has the amount left blank, such
19 that the amount could be filled in by the bearer, shall be
20 considered to have a value in excess of \$10,000 if the in-
21 strument was drawn on an account that contained or was
22 intended to contain more than \$10,000 at the time the
23 instrument was transported or the time period it was ne-
24 gotiated or was intended to be negotiated.”.

1 **SEC. 3721. CLOSING THE LOOPHOLE ON DRUG CARTEL AS-**
2 **SOCIATES ENGAGED IN MONEY LAUNDERING.**

3 (a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of
4 title 18, United States Code, is amended by inserting “,
5 and regardless of whether or not the person knew that
6 the activity constituted a felony” before the semicolon at
7 the end.

8 (b) INTENT TO CONCEAL OR DISGUISE.—Section
9 1956(a) of title 18, United States Code, is amended—

10 (1) in paragraph (1)(B), by striking “(B) know-
11 ing that” and all that follows through “Federal
12 law,” and inserting the following:

13 “(B) knowing that the transaction—

14 “(i) conceals or disguises, or is in-
15 tended to conceal or disguise, the nature,
16 source, location, ownership, or control of
17 the proceeds of some form of unlawful ac-
18 tivity; or

19 “(ii) avoids, or is intended to avoid, a
20 transaction reporting requirement under
21 State or Federal law,”; and

22 (2) in paragraph (2)(B), by striking “(B) know-
23 ing that” and all that follows through “Federal
24 law,” and inserting the following:

25 “(B) knowing that the monetary instru-
26 ment or funds involved in the transportation,

1 transmission, or transfer represent the proceeds
2 of some form of unlawful activity, and knowing
3 that such transportation, transmission, or
4 transfer—

5 “(i) conceals or disguises, or is in-
6 tended to conceal or disguise, the nature,
7 source, location, ownership, or control of
8 the proceeds of some form of unlawful ac-
9 tivity; or

10 “(ii) avoids, or is intended to avoid, a
11 transaction reporting requirement under
12 State or Federal law,”.

13 **SEC. 3722. DIRECTIVE TO UNITED STATES SENTENCING**
14 **COMMISSION; EMERGENCY AUTHORITY.**

15 (a) IN GENERAL.—The United States Sentencing
16 Commission shall review and, if appropriate, amend the
17 Federal sentencing guidelines and policy statements as the
18 Commission considers appropriate to respond to this Act.

19 (b) EMERGENCY AUTHORITY.—In carrying out sub-
20 section (a), the Commission may promulgate amendments
21 to the Federal sentencing guidelines and policy statements
22 in accordance with the procedures set forth in section
23 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note),
24 as though the authority under that Act had not expired.

1 At the appropriate place, insert the following:

2 **SEC. ____ . PROSECUTING VISA OVERSTAYS.**

3 (a) IN GENERAL.—Not later than 120 days after the
4 date of enactment of this Act, the Secretary shall imme-
5 diately initiate removal proceedings against not less than
6 90 percent of aliens admitted as nonimmigrants after such
7 date of enactment who the Secretary has determined have
8 exceeded their authorized period of admission.

9 (b) REPORT.—The Secretary shall submit to Con-
10 gress a report on a quarterly basis that sets out the fol-
11 lowing:

12 (1) The total number of aliens who the Sec-
13 retary has determined in that quarter have exceeded
14 their authorized period of stay as nonimmigrants.

15 (2) The total number of aliens described in
16 paragraph (1) against whom the Secretary has initi-
17 ated removal proceedings during that quarter.